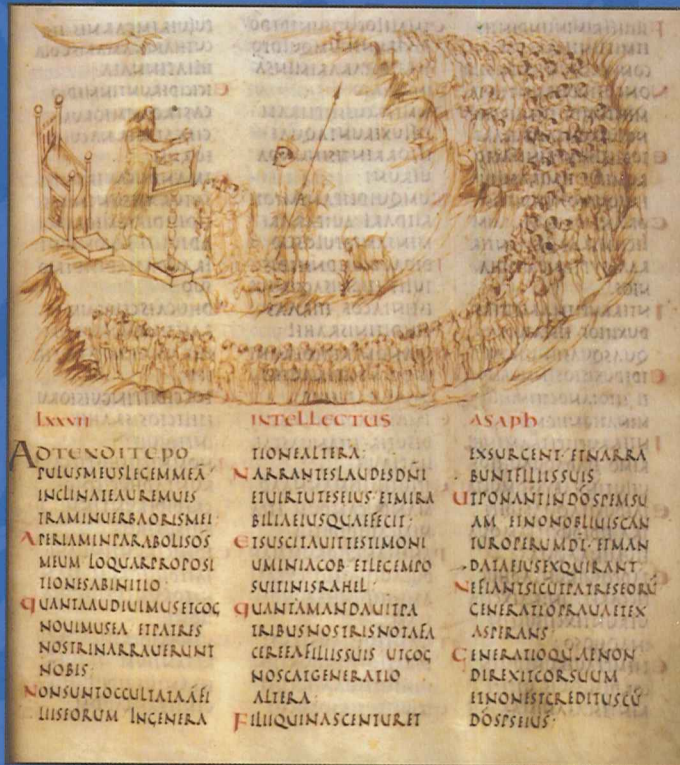


Studies in the Early Middle Ages

Political Assemblies in the Earlier Middle Ages



Edited by

P. S. Barnwell and Marco Mostert



Studies in the Early Middle Ages

This series focuses on Western Europe in the Early Middle Ages and covers work in the areas of history, language & literature, archaeology, art history and religious studies. It brings together current scholarship on early medieval Britain with scholarship on western continental Europe and Viking Scandinavia, more traditionally studied separately or in terms of the interaction of discrete cultures and areas. As well as advocating new approaches across geographical and political divisions, this series spans the conventional distinctions between Late Antiquity and the Early Middle Ages on the one hand, and the Early Middle Ages and the twelfth century on the other.

POLITICAL ASSEMBLIES IN THE EARLIER MIDDLE AGES

Assembly is a central feature of the European political process between the demise of the Roman Empire and the rise of the bureaucratic state in the twelfth and thirteenth centuries. Historians have often neglected the crucial role of political assemblies in their own right, concentrating instead on exceptional or extraordinary attention-catching events which occurred at assemblies. Earlier generations of scholars tried to discern in such assemblies the forerunners of later medieval parliaments and other forms of representative government. By contrast, the contributors to this volume present medieval assemblies in their own terms.

Were political assemblies in the earlier Middle Ages convened to confirm decisions already taken elsewhere or were they genuinely deliberative? How, if at all, did political assemblies create consensus? At what level(s) of the political and administrative hierarchy were assemblies held, who attended such gatherings, how were they conducted, and where were they held? The main focus is on assemblies of emperors, kings, and princes and on those of townsfolk, though some more local assemblies are also discussed. The over-arching thematic structure relates to the purposes of assemblies and how they worked, their practical and ritual or symbolic aspects, and the degree to which they were stage-managed, and by whom. The contributors bring archaeological, as well as historical, evidence to bear and present a range of geographical, political and historiographical approaches and traditions.

Cover image: A political assembly from the Utrecht Psalter (Hautvillers near Reims between ca. 820 and 835), now MS Utrecht, Universiteitsbibliotheek, 32, fol. 45r, the illustration to Psalm 77

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POLITICAL ASSEMBLIES IN THE EARLIER MIDDLE AGES

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P. S. Barnwell

and

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Abbreviations

| | |
|----------------|---|
| MGH | Monumenta Germaniae Historica |
| Capit. | Capitularia regum Francorum |
| Fontes | Fontes iuris Germanici antiqui in usum scholarum separatim editi |
| Leges | Leges nationum Germanicarum |
| SS | Scriptores |
| SS rer. Ger. | Scriptores rerum Germanicarum in usum scholarum separatim editi |
| SS rer. Merov. | Scriptores rerum Merovingicarum |

Preface

Behind this book lies the conviction that assembly was a most important aspect of the apparatus of political power in the earlier Middle Ages, together with the realization that there has been little systematic attempt to understand it, or even to define it. Much has been written, particularly concerning the Carolingian world, on the consensual nature of the political process. Other times and places have received less attention, and a comparative approach has not, to the editors' knowledge, been attempted for some time.

With these thoughts in mind, the editors came together in 1998 and planned two sessions of papers for the Leeds International Medieval Congress the following year on the theme of 'Consensus in the Early Middle Ages'. The questions posed by those who spoke on that occasion, and the reception from the audience, led to the organizing of further sessions in 2000, with the emphasis shifted more firmly to 'Assemblies', and with the clear aim of bringing the revised versions of papers from all four sessions to publication. Although not all the original contributors have been able to see the project to completion and two others have kindly joined the enterprise more recently, those sessions at Leeds, and the discussions before, during, and after them, are what have shaped both the thematic content and the geographical scope of the volume. Without the presence in one place of so many scholars from different parts of the world, the investigation might not have been conceived, and the geographical and historiographical range of the final product would have been severely compromised.

The editors are grateful to the contributors for so readily agreeing to participate in the enterprise which has resulted in this volume, and to some in particular for the patience with which they have endured a lengthy period of gestation. That period would have been longer but for the assistance of Elizabeth Tyler of the Editorial Board for the *Studies in the Early Middle Ages*, and of Simon Forde of Brepols Publishers, both of whom have devoted considerable energy to bringing the project to fruition. Finally, the special thanks of both editors and contributors are owed to Jinty Nelson for her encouragement of the enterprise at an early stage, and to Rosamond McKitterick who, at very short notice, summed up the final sessions at Leeds and, in so doing, posed challenging questions which many contributors have subsequently sought to address.

Political Assemblies: Introduction*

P. S. BARNWELL

To investigate the subject of assembly in the earlier Middle Ages is in some measure akin to pursuing a Will o' the wisp. Despite, or perhaps because of, the centrality of assemblies to the political and administrative workings of earlier medieval units of governance, they are peculiarly difficult to define. They rarely feature in the surviving contemporary sources as more than the backdrop to the stage on which the substance of the action that concerned the author took place, no matter whether that author was writing a chronicle, a charter, or a capitulary. Such an observation is not new — it was powerfully made by Reuter in one of his last published writings¹ — and it is partly the ill-defined character of the subject which means that it has been relatively neglected in scholarship since the passing of the time when the development of institutions or 'constitutions' dominated medieval history.² Assembly, as an historical

* The Introduction has been considerably improved by the comments and additions of Marco Mostert. He was also actively involved in the discussion between contributors which formulated the definition of assembly described below.

¹ Timothy Reuter, 'Assembly Politics in Western Europe from the Eighth Century to the Twelfth', in *The Medieval World*, ed. by Peter Linehan and Janet L. Nelson (London, 2001), pp. 432–50. Many of the general points made in the first part of this Introduction are echoed by Reuter.

² See the monumental six-volume *Gouvernés et gouvernants*, Recueils de la Société Jean Bodin pour l'Histoire comparative des institutions, 22–27 (Brussels, 1966–69), the proceedings of a 'session' held at Brussels in June 1962 in collaboration with the International Commission for the History of Representative and Parliamentary Institutions. Concerned with the various forms of relationship between the rulers and the ruled worldwide, and with all periods, the published papers contain much on assemblies. Although the concepts guiding *Gouvernés et gouvernants* are markedly different from those that inspired the present volume, there is much

phenomenon, has also suffered from being represented as the remnant of an idealized era in which free men organized themselves according to principles of primitive 'democratic' equality, or (sometimes also) as the precursor of modern representative government, particularly of parliaments.³ This notion can be found in traditions of scholarship starting in the fifteenth century, when Tacitus's *Germania* was discovered,⁴ and gathering momentum at the time of the European Enlightenment. In this sense, assembly could be considered characteristic of a 'middle' age in which rulers possessed of varying degrees of arbitrary power subverted once 'democratic' institutions as instruments for their own purposes, 'popular' authority only reasserting itself gradually from the twelfth century onwards, and reaching a new stage of maturity in the institutions of the nineteenth century.

This is, of course, a greatly simplified portrait of the historiography, and it should at once be recognized that there have been some notable exceptions to the pattern, particularly in the more recent past.⁵ Yet it remains true that the subject of the earlier medieval assembly has not received the systematic treatment its importance warrants. It is in a belief that the topic merits further investigation that the contributors to this volume have come together. Although coverage cannot be claimed to be comprehensive as to period, geographical scope, or type of assembly studied,⁶ it is hoped that it represents a step

of interest in the papers on the early Middle Ages (in vol. II, *Antiquité et Haut moyen âge*) and, on the later Middle Ages (in vols III–IV, *Bas moyen âge et temps modernes*, vols I and II).

³ For a recent attempt to revive the argument in relation to eighth-century Saxony, see Allen M. Bass, 'Early Germanic Experience and the Origins of Representation', *Parliaments, Estates and Representatives*, 15 (1995), 1–11. Despite the optimism expressed there, the single text upon which the argument is based is highly problematic, and little weight can be placed upon its evidence: see Ian Wood, *The Missionary Life: Saints and the Evangelisation of Europe, 400–1050* (Harlow, 2001), pp. 115–17.

⁴ The *Germania* had been read sporadically during the earlier Middle Ages (Rudolf of Fulda read the text in the ninth century, and the sole known ninth-century copy may have been also made at Fulda; see Michael Winterbottom, 'Tacitus: Minor Works', in *Texts and Transmission: A Survey of the Latin Classics*, ed. by Leighton Durham Reynolds, 2nd edn (Oxford, 1986), pp. 410–11), but the text had to await its discovery in the fifteenth century by Italian humanists before its chapters 11 and 12, dealing with assembly, became famous. See, e.g., Kenneth C. Schellhase, *Tacitus in Renaissance Political Thought* (Chicago, 1976), Frank L. Borchardt, *German Antiquity in Renaissance Myth* (Baltimore, 1971), and Donald R. Kelley, '"Tacitus Noster": The "Germania" in the Renaissance and Reformation', in *Tacitus and the Tacitean Tradition*, ed. by Torrey James Luce and Anthony John Woodman (Princeton, 1993), pp. 152–67.

⁵ There is a very full list of literature in Reuter, 'Assembly Politics', pp. 445–50.

⁶ The most egregious omissions in time and place relate to the western portion of Carolingian Francia, Anglo-Norman England, and the territories which later became 'France'. The first was to have been included, but at the last moment the contributor was obliged to withdraw; the editors' powers of inquiry and persuasion proved inadequate to the task of remedying the other deficiencies. Most attention in this volume is focused on assemblies held under the auspices of kings and princes, or in towns; local assemblies of different character are addressed by a partly

forward which, by its breadth, will allow readers to make mutually illuminating connections and contrasts between the times, places, and varieties of assembly discussed.

Apart from the problems posed by the nature of the primary evidence, Latin sources know no single term for 'assembly' referring to such gatherings by such terms as *conuentus*, *placitum*, and *synodus*, while the differing historiographical and modern political traditions from which the contributors are drawn have meant that questions of definition are both difficult and particularly important. Following considerable debate, an initial broad definition was agreed: that assemblies were occasions when groups, often relatively large groups, convened for a specific purpose. It follows that there were many different kinds of assembly, and that the term could encompass sports gatherings or fairs, liturgical gatherings and synods, and political or administrative gatherings. Such categories are not mutually exclusive (as with the Irish *óenach*, which could contain elements of all three⁷), and those which were convened for one purpose could, during their course, transform themselves to serve another.

The main focus of this volume is on political assemblies, the primary purpose of which meets one or more of four criteria: consultation for the common good (by and for those assembled, and often on behalf of a wider group); legislation for the common good (subject to the same qualifications); jurisdiction and judgement; commemoration or celebration of an event (such as a king-making or the consecration of a church) considered important to those assembled or to the wider group represented at the assembly. Furthermore, assemblies were held openly, in public, at places deemed appropriate for their precise purpose(s), which could be either buildings or open-air sites, in towns or in the countryside, which may or may not have been reserved uniquely for the holding of assemblies; such places may have been regularly used for assemblies but were not necessarily so. The open or public nature of assembly is also reflected in the fact that those attending could be deemed tacitly to approve of its outcome unless disapproval was actively voiced, and because such outcomes were made known to everyone. In addition, the group which gathered at the assembly was deemed to have a certain status, so that it represented a larger entity which was in some way bound by its decisions by subjective or objective power; in relation to this criterion, it is not relevant whether the mechanics of the assembly tended to stress a hierarchy of power among those gathered, or equality. Finally, while the time(s) at which assemblies were held could be institutionalized for the convenience of all concerned, such gatherings could be convened on an *ad hoc* basis in response to specific requirements.⁸

overlapping group of scholars in *Assembly Places and Practices in Medieval Europe*, ed. by Alikí Pantos and Sarah Semple (Dublin, forthcoming). See also, for some areas not covered in this volume, *Gouvernés et gouvernants*, esp. vols III–IV.

⁷ Thomas M. Charles-Edwards, *Early Christian Ireland* (Cambridge, 2000), pp. 104, 137, 198, 558–59.

⁸ Cf. also John Gilissen, 'Les rapports entre gouvernés et gouvernants, vus à la lumière de l'histoire comparative des institutions: Synthèse générale', in *Gouvernés et gouvernants*, I, 5–140, esp. part IV, a typology of the relationships between the rulers and the ruled, with, on pp. 72–90

If such a definition, or series of criteria, seems complex, it is nevertheless fairly loose, tending towards inclusivity. Such breadth is not a product of a desire to accommodate different kinds of organization, but reflects a belief that it would be wrong to see the character of assemblies and, perhaps, other early medieval instruments of government, as rigid or as approximating to institutions as they are understood today. Rather, assembly seems to have been a flexible concept, serving different needs on different occasions without the need for 'constitutional' debate. A similar principle has been observed in relation to the concept of 'office' within the royal court: at least in the sub-Roman kingdoms, it was flexible, the holder of a specific title (such as 'referendary') being able to act on the king's behalf in any business as occasion demanded (rather than only in relation to the processing of documents).⁹

Assemblies are not unique among the apparatus of power in having only a shadowy existence in the sources for the earlier Middle Ages.¹⁰ Precisely because they were so much a part of the mechanics of power, and perhaps also because they were open or public, understanding of their *modus operandi* could be taken for granted. Before the systematization which began in the twelfth century, the existence of a set of written instructions for the holding and regulation of any of the instruments of government is rare. The machinery of power usually has to be viewed through the twin lenses of narrative histories, whose authors were only concerned with decisions or unusual (often disruptive) events in administrative fora, and of the products of the decisions made at such fora, notably, in the case of assemblies, charters and laws or capitularies. Even the one significant departure from this pattern of evidence, the handbook *De ordine palatii* produced by Hincmar of Reims in 882 as an aid for governance during the minority of Carloman, leaves much concerning the workings of assembly unclear, particularly in relation to whether the initiative lay with the king, the magnates, or those of lesser importance who attended. This implies that assemblies were to an extent informal, strengthening the suggestion that assembly was genuinely malleable.¹¹ Such malleability

a discussion of 'Systèmes sans interventions des gouvernés' (allowing nevertheless some limited interventions by the ruled in recognizing the ruler, in judicial activities, in local and regional government, and in revolt), on pp. 90–107, of 'Systèmes de participation directe des gouvernés au gouvernement' (addressing 'Les assemblées du peuple' and 'Les assemblées de magnats'), and, on pp. 107–22, of 'Systèmes représentatifs'.

⁹ This is discussed in P. S. Barnwell, *Emperor, Prefects and Kings: The Roman West 395–565* (London, 1992) and idem, *Kings, Courtiers and Imperium: The Barbarian West 565–725* (London, 1997).

¹⁰ The same is true, for example, of the narrower *consilium* of the Carolingians. See François Louis Ganshof, *Frankish Institutions under Charlemagne* (New York, 1968), p. 21.

¹¹ Hincmar of Reims, *De ordine palatii*, ed. and trans. by Thomas Gross and Rudolf Schieffer, MGH Fontes, 3 (Hannover, 1980), cc. 29–36. For discussion, see Janet Nelson, 'Legislation and Consensus in the Reign of Charles the Bald', in *Ideal and Reality in Frankish and Anglo-Saxon Society: Studies Presented to J. M. Wallace-Hadrill*, ed. by Patrick Wormald with Donald Bullough and Roger Collins (Oxford, 1983), pp. 202–27.

forms a main theme of three of the contributions which follow, particularly that of Brink, who shows continuity of practices, and especially of sites, in Scandinavia despite increasing royal authority over the political and administrative processes;¹² of Fitzpatrick, who shows similarly enduring traditions in Ireland across the eleventh- and twelfth-century ecclesiastical reform with its attendant impact on kingship and king-making; and of Everard, who traces two transitions in twelfth-century Brittany, from assembly as an informal advisory and social occasion before Henry II of England became duke, to a mandatory gathering for the swearing of homage to Henry for and consenting to his acts, to a body giving the barons a sense of corporate identity and a focus for cohesive action.¹³ With a more rigid 'institution', such shifts might have required some kind of formal action or 'reform'; while that might have resulted in greater transparency in the historical record, the gain for modern scholars would have been at the price of deftness of execution for medieval rulers.

It was the very flexibility of assembly which rendered it so useful and placed it at the heart of the brokering of power in the earlier Middle Ages, since it enabled assemblies to be moulded by both hierarchical and non-hierarchical political communities into vehicles for arriving at authoritative solutions to specific needs. Of particular significance in this context is Demyttenaere's discussion of the different kinds of assembly held in 1127 and 1128 following the murder of Charles the Good, which emphasizes the underlying similarity between the gathering of the citizens of Bruges, which was relatively unhierarchical and non-coercive, and that ultimately commanded by the King of France where there was a more extended hierarchy and where, as the citizens' refusal to attend shows, authority was likely to be used to quell dissent. The central feature of both kinds of assembly was the ability to create and communicate an agreement, a consensus, a solution to a problem which all would accept even if unwillingly: the fact that one may have been more negotiated than the other does not betray a fundamental difference in the administrative device, but a recognition that the machinery could be operated in varying ways by different actors.

Differing dynamics were also possible at various stages during an individual assembly. An example is the Eighth Council of Toledo (discussed by Barnwell): hierarchical power was emphasized at the beginning, when the king detailed the business to be discussed, and his preferred solution to a major issue. During the Council there appears to have been a phase of greater equality, in which the participants debated the most contentious matter and proposed a different solution; but at the end of the proceedings, hierarchical power was reasserted when the king issued laws confirming the acts of the

¹² Cf. for Iceland, Chris Wickham, 'Society', in *The Early Middle Ages*, ed. by Rosamond McKitterick (Oxford, 2001), pp. 57–94 (p. 79).

¹³ Cf. the assemblies of Saxon nobles to decide whom to support as successor to Otto II (984), Otto III (1002), and Henry II (1024), and the assembly held in 968 while Otto I was absent in Italy. See Gerd Althoff, 'Saxony and the Elbe Slavs in the Tenth Century', in *The New Cambridge Medieval History*, vol. III, c. 900–c. 1024, ed. by Timothy Reuter (Cambridge, 1999), pp. 267–92 (pp. 273–76).

Council, including his own proposals, rather than those of the attendees. A similar tension between vertical and horizontal power structures may be reflected in Hincmar's description of the way in which the king and his leading men held council behind closed doors at a winter 'assembly', before presenting the same business to the full assembly the following summer as if nothing had been resolved, so that fresh advice and the consent of 'the people' could be obtained.¹⁴ The question of open debate and its relationship to the actual determination of issues at assemblies is most difficult to penetrate. It forms a significant thematic strand of this volume, featuring particularly strongly in the discussions of royal assemblies in places and at times as widely separated as the seventh-century barbarian kingdoms (Barnwell), the Carolingian East in the tenth to twelfth centuries (Airlie), and eleventh-century England (Insley).

In town assemblies, both of central Europe in the tenth to twelfth centuries (Bak and Lukin) and in twelfth-century Italy (Coleman), where there was less hierarchical control (or where the hierarchy was less pronounced), there appears, not surprisingly, to have been more scope for giving force to the views expressed. Therefore, for example, in 1068 when Iziaslav refused to go out from Kiev to fight the Polovtsy, a *veche* (citizen assembly) acclaimed Vseslav of Polotsk prince in his stead.¹⁵ The same year saw a similar flexing of citizen muscle in distant Milan, where the victim was Archbishop Guido of Velate, and the same happened again, thirty-five years later, when his successor, Grossolano, was discomfited (Coleman). The fact that such citizen assemblies could carry out their decisions at the expense of rulers does not mean that they fundamentally differed from royal or princely ones. Rather, it may be seen as a measure of the weakness of royal or princely control (particularly, in Italy, that of the emperor). Where such power was stronger, as in Flanders, the ruler might still try to impose his will with some hope of success, partly through holding, or at least summoning, an assembly to meet in his own presence (Demyttenaere). Similarly, as Brink's discussion of Scandinavia suggests, the imposition of royal power on assemblies of previously non-royal character, while introducing a new element and therefore adjusting the balance of power, does not seem fundamentally to have altered the nature of assembly in the region.

Questions of the 'power' members of assemblies possessed, or of the degree to which they positively influenced the course of events, attract particular attention because of the position of assemblies in the historiographical debate concerning the survival or emergence of democratic institutions. Bak and Lukin cast new light on that subject from within the Middle Ages themselves, when they ask whether the accounts of later medieval authors reflect earlier reality or a quest to show the antiquity of the institutions of their own times. Despite such interest, decision-making was far from the only function of assembly, and may not have been the most important feature of such gatherings. That dissenting voices were heard, even if their advice was not always acted upon, meant that

¹⁴ Hincmar, *De ordine palatii*, c. 29.

¹⁵ Simon Franklin and Jonathan Shepard, *The Emergence of Rus, 750–1200* (London, 1996), pp. 252–53, 289.

an assembly could act as a vent for public opinion or disquiet. In some circumstances, particularly perhaps in citizen assemblies, this might lead to mobilization of opinion as a precursor to action;¹⁶ where control was tighter and stage-management greater, an assembly could act as a safety-valve, an occasion on which dissent could be expressed and countered. The informal aspects of assembly — the personal contact, socializing, and feasting described by Hincmar¹⁷ — were at least as significant for this process as the staged events, as they must have enabled much dissent to be defused behind the scenes before it erupted in public, allowing rulers to assess opinion, to persuade, and to cajole through that mixture of reason, friendship, bribery, and threats which is characteristic of politics everywhere. Subsequently, when a matter had been announced, witnessed, and acclaimed in the formal assembly, countering it was difficult, if not dangerous, so that a degree of stability was ensured.¹⁸ The message was often reinforced by ritual acts designed partly to create closure, to solemnize the event and render it more memorable, but also, as Insley discusses, to aid the comprehension of those for whom the official language of written instruments was impenetrable.

Some of the different kinds of business transacted at assemblies can be explored through consideration of the Irish evidence. Although Fitzpatrick concentrates most of her attention on assemblies specifically connected with the rituals of witnessing, legitimizing, and celebrating the making of kings, early Ireland knew several other kinds of assembly which are helpfully designated by distinct vocabulary, though in reality the categories merge into each other. The *óenach*, the annual assembly of people (freemen) and king, was important for the making of law, and as a forum for political action and the more ritual display of royal power. Although judicial matters might be dealt with by a different assembly, an *airecht* or gathering of nobles, it seems that it might be held at

¹⁶ The vocabulary of mobilization is used of Italian city gatherings by Coleman and, independently, of the *veche* of central Europe in Franklin and Shepard, *The Emergence of Rus*, p. 289.

¹⁷ Hincmar, *De ordine palatii*, c. 35.

¹⁸ See Gerd Althoff, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde* (Darmstadt, 1997), and idem, 'Ira Regis: Prolegomena to a History of Royal Anger', in *Anger's Past: The Social Uses of an Emotion in the Middle Ages*, ed. by Barbara H. Rosenwein (Ithaca, 1998), pp. 59–74, concluding at p. 74: 'Communication in medieval public life was decisively determined by demonstrative acts and behaviors. People revealed their ranks and behavior to express their relationship to one another. Rituals of greeting and of gift exchange belong in this context. All of these signs, sometimes bundled together in rituals and stage performances, had the goal of transmitting a clear and unmistakable message. These customs bestowed a certain security on public interactions'. Althoff's view of medieval public ritual is criticized by Philippe Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, 2001), who warns against the unreflective use of anthropological models and suggests that some students of early medieval public ritual may have underestimated the strategies employed by the authors of narrative texts. See also Philippe Buc, 'Political Ritual: Medieval and Modern Interpretations', in *Die Aktualität des Mittelalters*, ed. by Hans-Werner Goetz, Herausforderungen: Historisch-politische Analysen, 10 (Bochum, 2000), pp. 255–72, and idem, 'Ritual and Interpretation: The Early Medieval Case', *Early Medieval Europe*, 9 (2000), 183–210.

the same time and in the same place as an *óenach*, perhaps opening the possibility to see parallels with the trial of Paul by King Wamba of the Visigoths, at which judgement was made by a group of nobles but executed in front of a wider gathering (Barnwell). Business connected with relations between kingdoms, particularly when the king of more than one was present, was conducted at a *rigdál*, where the emphasis must have been more on the rulers impressing each other and their respective followers with displays of power. Like an *óenach*, a *rigdál* might also be the occasion for the concurrent holding of an ecclesiastical council, the edicts of which were sometimes given royal force by promulgation by the ruler in the secular assembly;¹⁹ there are parallels here with the Frankish ecclesiastical councils, the acts of which might be published at the same time as the capitularies issued by the king in the royal council, held concurrently. Indeed, sometimes the normative texts produced by both gatherings show striking similarities.²⁰

The different kinds of Irish gathering encapsulate some specific types of business which could be transacted at royal or princely assemblies elsewhere: king-making, law-making, the reaching of judgements and announcement or execution of sentences, the announcement of other kinds of political business such as decisions of all kinds (including those concerning all forms of patronage), and various aspects of diplomacy. In addition, there was often a military element, the timing of what may be annual Frankish and Lombard assemblies in March (later May) being a reminder that those who met in a 'popular' assembly were the freemen or warriors. The gathering of the army for campaign may have been the primary feature of some kinds of royal assembly (discussed by Barnwell and Airlie), other functions accruing to the gathering for no better reason than that it provided a ready-made occasion for the making of important announcements or for the witnessing or acclaiming particularly significant actions.²¹ All these functions, military as well as civil, are discussed in the chapters by Barnwell, Airlie, and Insley; with the addition of questions concerning the succession, they would also feature in a list of the main matters transacted in the West Frankish general assemblies of the Carolingians.²² Some of the same topics recur in consideration of town assemblies. The twelfth-century Flemish assemblies discussed by Demyttenaere, for example, were

¹⁹ Charles-Edwards, *Early Christian Ireland*, pp. 280–81, 479–80, 558–59; Francis John Byrne, *Irish Kings and High Kings* (London, 1973), pp. 36, 221, 225, 263.

²⁰ *Capitularia regum Francorum*, ed. by Alfred Boretius and Viktor Krause, 2 vols, MGH Capit., 1–2 (Hannover, 1883–97), and *Concilia aevi Karolini [742–842]*, ed. Albert Werminghoff, MGH Concilia, 2, 2 parts (Hannover, 1906–08). See also Charles-Edwards, *Early Christian Ireland*, p. 281. Cf., on the role of *consilium* and *consensus* by the great of the realm, François Louis Ganshof, *Recherches sur les capitulaires* (Paris, 1958), pp. 30–37.

²¹ Cf. Joel T. Rosenthal, 'The Public Assembly in the Time of Louis the Pious', *Traditio*, 20 (1964), 25–40 (pp. 33–34), though he may over draw the distinction between military and public business in the ninth century (see Nelson, 'Legislation and Consensus', p. 217).

²² For the reign of Louis the Pious, see Rosenthal, 'The Public Assembly', pp. 34–38; for that of Charles the Bald, see Nelson, 'Legislation and Consensus', p. 213.

concerned with forms of succession and patronage, as were some of the Central European gatherings to which Bak and Lukin refer. Further, Coleman, Demyttenaere, and Bak and Lukin provide examples of assemblies of townsfolk deciding on the making of war or peace, the law-making and judicial processes, and the appointment or election of officials. If some forms of business appear consistently more prominent for some times and places than others, that may be largely due to differences in the evidence — to whether, for example, the balance of the evidence comes from documents such as capitularies and charters resulting from activity at assemblies (Insley; Everard; Kosto), or whether it is derived from the accounts of narrative historians, which seem more interested in ‘events’ and politics than in laws and administration (Airlie).

By contrast with some of the other areas discussed in this volume, Kosto’s discussion of Catalanian assemblies emphasizes the importance of local assemblies, partly since there is better evidence for them than for higher-level gatherings held in the presence of the king or count. The transaction of legal affairs was an important aspect of both comital and local assemblies, and the quantity of the charter evidence enables the kinds of business resolved at assemblies, including the reconstruction of lost documents and the proving of wills, to be reconstructed in some detail. Although such matters may appear rather different from those discussed in relation to royal assemblies, the fact that they were transacted, witnessed, ‘agreed’, or made legitimate in public provides a strand in the thread binding all kinds of assembly into one family. Another strand can be perceived in those assemblies which witnessed the consecration of churches, for, in addition to their witnessing and legitimizing functions, such gatherings created the corporate identity of the congregation in the same way as other contributors argue that general assemblies gave cohesion to kingdoms or counties. Not only that, but some local assemblies formed part of the same ‘system’ as those for larger areas. Hence, for example, the oaths of allegiance which first had been required from those present at princely gatherings in Visigothic and later Iberia, subsequently had to be administered more widely through local assemblies (Barnwell; Kosto). Similarly, in ninth-century Francia *missi* were sent from general assemblies to announce the business transacted there to more local gatherings.²³ By cascading announcements and actions down through a hierarchy of assemblies spreading out across a wide geographical area, all freemen could at some level be involved, and the identity of the political community could be forged and maintained.

It is that unifying element which lies at the heart of assembly. In the period before the rise of bureaucratic literacy, assembly was the best means of transacting almost any kind of business, of creating a common understanding, a form of consensus, and for communicating it through a blend of non-verbal ritual, the spoken word, and documents. The action could take place within a particular segment of the political community,

²³ Janet L. Nelson, ‘Literacy in Carolingian Government’, in *The Uses of Literacy in Early Medieval Europe*, ed. by Rosamond McKitterick (Cambridge, 1990), pp. 258–96 (pp. 280–82); eadem, ‘Kingship and Royal Government’, in *The New Cambridge Medieval History*, vol. II, c. 700–c. 900, ed. by Rosamond McKitterick (Cambridge, 1995), pp. 383–430 (pp. 421–22).

whether of aristocrats, townsfolk, or parishioners, or it could be more hierarchically arranged, as in general assemblies of kings and princes. There might be a deliberative element, or an assembly might be convened to receive, witness, or acclaim pronouncements and actions ranging from king-making through almost every activity down to local landowners making grants to a church. Business could be transacted through a mixture of dispositive and ritual action, and of formal proceedings and informal contact between attendees, which might merge into festivity. All such categories of action lay in a spectrum; while some elements might on occasion be more pronounced than others, it was their blending which created the infinitely malleable yet ultimately distinctive assembly of the earlier Middle Ages.

Kings, Nobles, and Assemblies in the Barbarian Kingdoms

P. S. BARNWELL

The leading men take counsel over minor issues, the major ones involve them all; yet even those decisions that lie with the commons are considered in advance by the elite. Unless something unexpected suddenly occurs, they gather on set days [...] they take their seats armed. [...] Then, according to his age, birth, military distinction and eloquence, the king or leading man is given a hearing, more through his influence in persuasion than his power in command. If his views are ill received, the men receive them with a roar; if well received, they clash their *frameae*; the most honourable sort of approbation is to applaud with arms.¹

When Tacitus (c. 55–116/20) wrote his description of the life and customs of the Germanic peoples at the end of the first century, he unwittingly cast a long shadow. Many scholars, predominantly (but not exclusively) of earlier generations, have invoked his account to explain the background to certain features of the ‘barbarian’ kingdoms of late Antiquity, particularly political assemblies.² Heinrich Brunner (1840–1915) and Numa Denis Fustel de Coulanges (1830–89), for example, argued that in the Frankish kingdom such warrior assemblies disappeared after the early sixth century, and that a modified form of assembly emerged towards the end of the seventh; Claudio Sánchez-Albornoz detected something similar in relation to the

¹ Tacitus, *Germania*, trans. with Introduction and Commentary by J. B. Rives, Clarendon Ancient Historians (Oxford, 1999), c. 11; see also cc. 12, 13. *Frameae* are spears.

² For comment on this, see the Introduction to H. H. Mattingly, *Tacitus: The Agricola and the Germania*, 2nd edn (Harmondsworth, 1970), pp. 28–29.

Visigothic kingdom.³ For the Lombards — whose institutions are often seen as more Germanic than those of their northern and western contemporaries — some historians have, by contrast, seen evidence of a continuation of the army assembly through the seventh century, perhaps with some gradual evolution.⁴

The nature of assemblies in the barbarian kingdoms has not been re-examined for some time, and particularly not since the recent rise in appreciation of the question how the nature of the evidence affects interpretations of the past. Of particular significance is the poverty of the sources for the seventh century, since that may mean that hypotheses concerning the decline of assemblies during the period rest on foundations of silence. The proposition that assemblies, even if in modified form, returned to favour at the end of the century may also have something to do with the chronological distribution of sources. In the Visigothic kingdom, the second half of the century was the period in which the national Church Councils held at Toledo were developed, and their proceedings are a major source of evidence for the way in which power was brokered in the kingdom; but other types of evidence for any kind of Visigothic assembly remain as slight as before. For the Franks, the apparent increase in evidence for royal assemblies from the late seventh century is largely due to a later tradition of propaganda which sought to show how the Carolingians held real power in the kingdom by their manipulation of the Merovingian kings at the annual assembly⁵ rather than to anything revealed by the strictly contemporary sources.

It is against this background that the royal assemblies of the barbarian kingdoms are here reviewed, with particular attention to those of the Franks, Visigoths, and Lombards. The central period examined is the seventh century, with evidence from the sixth and early eighth centuries employed to provide a broader context. The well-worn question of continuity with an earlier 'Germanic' tradition is largely left aside. As defined here, the subject concerns ways in which royal power was wielded in the early Middle Ages. How was power achieved? Did the consensus built in assemblies arise from open debate or was it imposed from above?

³ Heinrich Brunner, *Deutsche Rechtsgeschichte*, 2 vols (vol. I, Leipzig, 1887; vol. II, 2nd edn (by Claudius Freiherr von Schwerin), Berlin, 1929), II, 174–75; Numa Denis Fustel de Coulanges, *Histoire des institutions politiques de l'ancienne France*, vol. III, *La Monarchie franque*, 6th edn (Paris, 1930), pp. 64, 89, 598–602, 630–38; Claudio Sánchez-Albornoz, 'El Aula Regia y las asambleas políticas de los Godos', in his *Estudios visigodos*, *Studi Storici*, 78–79 (Rome, 1971), pp. 149–252.

⁴ Carlo Guido Mor, 'Modificazione strutturale dell'assemblea nazionale langobarda nel secolo VIII', in *Album Helen Maud Cam*, Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions, 24, 2 vols (Louvain, 1961), II, 1–12; but, for a different view, see Gian Piero Bognetti, 'Santa Maria foris portas di Castelseprio e la storia religiosa dei Longobardi', in his *L'Età longobarda*, 4 vols (Milan, 1966–68), II, 12–673 (pp. 76–77).

⁵ For references, see note 79 below.

In all three kingdoms there were several different kinds of assembly, and some gatherings were convened for more than one purpose. Those which will be considered here stood at the highest level of society and were directly related to the exercise of royal power. Such assemblies could bring together the secular aristocracy, churchmen (in ecclesiastical councils), or both (in 'mixed' assemblies). Some might also involve the army or the 'people' (the two are practically synonymous), though less often in its entirety than as a group symbolizing the whole (this is considered further below).⁶ The occasions for the holding of an assembly could include the making of kings, the demanding of oaths of loyalty, the pronouncement of judgements in high-profile cases such as those involving rebels, the making of laws, and the announcement of important decisions. Some of these functions were replicated at lower administrative levels by local assemblies, right down to the kind of community judicial assembly represented in Frankish lands by the *mallus*, but such local assemblies do not form part of the present discussion.⁷

King-making

At the highest and most fundamental level, it was impossible for a man to become king unless he enjoyed a wide degree of support.⁸ In practical terms this probably meant the support of aristocrats, since most lesser men would follow the lead of their lords.⁹ There is, however, also evidence from throughout the period from the early sixth to the mid-eighth century that a broader demonstration of consent was required, as there are frequent references to elections of monarchs which at least formally involved lower social groups. In the *Regnum Francorum* for example, Clovis had arranged the assassination of their leader Sigibert and his son. He then called together the inhabitants of Cologne, and they approved his acquisition of power over them with a clash of weapons.¹⁰ Sigibert's subjects had little choice in the matter, but Clovis would not have assembled them

⁶ Hans K. Schulze, *Grundstrukturen der Verfassung im Mittelalter*, 2nd edn, 2 vols (Stuttgart, 1992), I, 30–31.

⁷ Aspects of the Frankish *mallus* are discussed in P. S. Barnwell, 'Local Assemblies and Judicial Procedures in Merovingian Gaul', in *Assembly Places and Practices in Medieval Europe*, ed. by Alike Pantos and Sarah Semple (Dublin, forthcoming).

⁸ For king-making in general, see Reinhard Schneider, *Königswahl und Königserhebung im Frühmittelalter: Untersuchungen zur Herrschaftsnachfolgen bei den Langobarden und Merowingern* (Stuttgart, 1972).

⁹ For the importance of the aristocracy, see Ian Wood, 'Kings, Kingdoms and Consent', in *Early Medieval Kingship*, ed. by Peter Hayes Sawyer and Ian N. Wood (Leeds, 1977), pp. 6–29 (esp. pp. 10–11); see also Janet L. Nelson, 'Inauguration Rituals', in *Early Medieval Kingship*, ed. by Sawyer and Wood, pp. 50–71 (pp. 57–58).

¹⁰ Gregory of Tours, *Decem Libri Historiarum*, II, c. 40, in *Gregorii Turonensis Opera*, vol. I, *Libri Historiarum X*, ed. by Bruno Krusch and Wilhelm Levison, MGH SS rer. Merov., 1.1 (Hannover, 1937–51).

had the action had not conferred at least a mantle of legitimacy on his take-over and bound those present to abide by the 'decision' of the assembly, even if that was no more than an acclamation. Rather later in the sixth century, in 575, when Sigibert I (530/5–75) sought to acquire the kingdom of his brother Chilperic I (c. 537–84), he was made king by his army raising him on a shield, in a process similar to that by which some fourth-century Roman emperors were created.¹¹ After his assassination (which followed almost immediately), his five-year-old son, Childeric II, was taken to an assembly of the people to be proclaimed king.¹² The importance of popular election is perhaps underlined further by the events after Theuderic II of Austrasia died in 612. When his grandmother, Brunhild, sought to ensure the succession of his son, Sigibert II, King Chlothar II of Neustria contested the matter, but is also reported to have said that he would abide by the decision of the Franks.¹³ Later seventh-century kings also required support. When Chlothar II himself died, in 628, his son Dagobert, who was already king in Austrasia, sent a deputation to Burgundy and Neustria to ensure his position and was chosen by the bishops, *proceres* (the great of the realm), and *leudes* (men) of those kingdoms.¹⁴ On his own death, eleven years later, his son Clovis II was, like him, made king in Neustria and Burgundy by the *leudes*.¹⁵ The source for all the seventh-century events referred to above is the last part of Fredegar's *Chronicle* (between 613 and 658), which is much more laconic than the main source for the sixth century, the *Decem Libri Historiarum* of Gregory of Tours (c. 538–94).¹⁶ Narrative sources for the later seventh century are even poorer, and reference is seldom made to the mechanics of king-making. The continuation of Fredegar's *Chronicle* records only that, when Dagobert III died in 715, 'the Franks' chose Chilperic II to succeed him,¹⁷ and the other roughly contemporary narrative source, the *Liber Historiae Francorum*, never says more than that rulers were created by 'the Franks' or the inhabitants of the appropriate sub-kingdom.¹⁸ The continued importance of the assembly is, however, revealed by a source of a different

¹¹ Gregory of Tours, *Decem Libri Historiarum*, IV, c. 51; for Roman examples, see Ammianus Marcellinus, *Res gestae*, ed. by John C. Rolfe, 3 vols (London; Cambridge, MA, 1935–40), XX, 4, 17, on Julian, and XXV, 5, 4–6, on Jovian.

¹² Gregory of Tours, *Decem Libri Historiarum*, V, c. 1.

¹³ Fredegar, *Chronicle*, IV, 40, ed. by J. M. Wallace-Hadrill, *The Fourth Book of the Chronicle of Fredegar with its Continuations* (London, 1960).

¹⁴ Fredegar, *Chronicle*, IV, 56.

¹⁵ Fredegar, *Chronicle*, IV, 79.

¹⁶ For discussion of the impact, nature, and chronology of the work of Fredegar and his continuators for understanding royal government in general, see P. S. Barnwell, *Kings, Courtiers, and Imperium: The Barbarian West, 565–725* (London, 1997), pp. 7–9.

¹⁷ Fredegar, *Chronicle*, continuation, c. 9.

¹⁸ *Liber Historiae Francorum*, c. 52 (Chilperic II) and c. 53 (Theuderic IV), in *Fredegarii et aliorum Chronica, Vitae sanctorum*, ed. by Bruno Krusch, MGH SS rer. Merov., 2 (Hannover, 1888). Not even this is vouchsafed concerning the succession of Clovis III and Childebert III (c. 49), and Dagobert III (c. 50).

type. The seventh-century *Passio Leudegarii* records that, after Chlothar III's death in 673, the over-mighty *maior domus*, Ebroin should according to custom, have summoned together the leading men to elevate Theuderic III to the throne, but refused to do so, preferring to try to rule in his own name.¹⁹ The result was that the Neustrian nobles chose Childeric III of Austrasia as king. As with Clovis at Cologne, the acclamation of some kind of assembly was necessary for the creation of a legitimate king.²⁰

Similar problems of evidence present themselves concerning the king-making process of the Lombards. However, the methods by which rulers were created seem of the same general kind as those exercised by the Franks. The main narrative source, the *History of the Lombards* by Paul the Deacon (c. 720–c. 799), is not even in its chronological coverage, being much more cursory in its treatment of the mid-seventh century than of the period during which the Lombard kingdom was established.²¹ The elevation to the throne of Cleph, in 572, and that of his son Authari, in 584, commanded wide consensus, though it is not clear either how that was achieved or how the kings were actually made.²² After Authari's death in 590, Agilulf became ruler by marrying his predecessor's widow, Theodelinda. He did not properly achieve kingship until six months later, when he was elevated to the throne at an assembly of the Lombards in Milan. Perhaps this took place in the circus, the most convenient place for a large gathering.²³ Fourteen years later, when Agilulf made his son Adaloald *consors regni*, the use of the Milan circus is explicitly mentioned.²⁴ The ceremony was similar to the acclamation of Byzantine rulers in the hippodrome. It is not clear whether it replaced the earlier Lombard ritual by which rulers were made by warriors brandishing their spears, was assimilated with that tradition, or was conducted in addition to it.²⁵

After his account of Adaloald's elevation, Paul is silent on the matter of king-making until his treatment of the end of the seventh century, when evidently the principles of popular assent were still valid. Perctarit's restoration in 672 took place with the

¹⁹ *Passio I Leudegarii episcopi et martyris Augustodunensium*, c. 5, ed. by Bruno Krusch in *Passiones vitaeque sanctorum aevi Merovingici (III)*, ed. by Bruno Krusch and Wilhelm Levison, MGH SS rer. Merov., 5 (Hannover, 1910).

²⁰ Nelson, 'Inauguration Rituals', p. 53.

²¹ Barnwell, *Kings, Courtiers, and Imperium*, pp. 93–95.

²² Paul the Deacon, *Historia Langobardorum*, II, c. 31 and III, c. 16, ed. by Georg Waitz, MGH SS rer. Ger., 48 (Hannover, 1878). Carlo Morossi, 'L'Assemblea nazionale del regno longobardo-italico', *Rivista di storia del diritto italiano*, 9 (1936), 248–90 and 434–74 (p. 447) believes an assembly was involved.

²³ Paul the Deacon, *Historia Langobardorum*, III, c. 35.

²⁴ Paul the Deacon, *Historia Langobardorum*, IV, c. 30.

²⁵ For the early ritual, see Jörg Jarnut, *Geschichte der Langobarden* (Stuttgart, 1982), pp. 50–51; see also Stefano Gasparri, 'Kingship Rituals and Ideology in Lombard Italy', in *Rituals of Power: From Late Antiquity to the Early Middle Ages*, ed. by Frans Theuvs and Janet L. Nelson, *Transformation of the Roman World*, 8 (Leiden, 2000), pp. 95–114 (pp. 98–99, 106–07, 111).

assistance of all the Lombards, implying an assembly or public ceremony;²⁶ Cunincpert's accession seven years later was similarly supported,²⁷ as was that of Liutprand in 712.²⁸ Less detail is known of the relatively swift succession of the four kings between Cunincpert and Liutprand. The apparent continuities bridge the poorly recorded first three quarters of the seventh century, suggesting that later gaps in the evidence should not be taken to show discontinuity in practice.

Understanding the role of assemblies in the making of Visigothic kings depends on different kinds of source material, as there is no narrative source for much of the seventh century. Instead, discussion has to be largely based on the enactments of the Toledan church councils, and their provisions concerning the mechanics of royal succession do not always appear consistent. The famous seventy-fifth canon of the Fourth Council (of 633)²⁹ established that a king should be chosen with the agreement of the bishops and the 'primate of all the people'; the third canon of the Fifth Council (of 636) envisages two procedures. One involves the nobility of the Gothic people (perhaps a group similar to that mentioned in the Fourth Council), the other consists of a choice by 'all', which seems to widen the possible sphere of participation. This appears confirmed by the Frankish chronicler Fredegar's account of the usurpation of Chindasuinth in 642, involving as it did the assent of 'many of the Gothic senators and the rest of the people'.³⁰ In 653, the Eighth Council resolved that the consent of the bishops and *maiores* of the palace was required — possibly an even more restricted secular group than that required by the Fourth Council.³¹ This may, however, have been only for a preliminary procedure, since the *Historia Wambae* of Julian of Toledo (c. 652–90) records that Wamba was chosen as king in 672, at the villa where his predecessor, Reccesuinth, had died. Afterwards he still had to obtain the full consent of the people in Toledo,³² perhaps in a ceremony similar to a Byzantine acclamation.³³

The circumstances surrounding the accession of individual kings led to the need for deft political manoeuvring, including the use of church councils to add post-coronation legitimacy to the acquisition of power by rulers like Sisenand (631–36) and Ervig

²⁶ Paul the Deacon, *Historia Langobardorum*, V, c. 33.

²⁷ Paul the Deacon, *Historia Langobardorum*, V, c. 39.

²⁸ Paul the Deacon, *Historia Langobardorum*, VI, c. 35.

²⁹ *Concilios visigóticos e hispano-romanos*, ed. by Jose Vives, *Espana cristiana*, Textos, 1 (Barcelona, 1963), No. 21 (IV Toledo), canon 75.

³⁰ Fredegar, *Chronicle*, IV, c. 84.

³¹ *Concilios visigóticos*, ed. by Vives, No. 25 (VIII Toledo), canon 10.

³² Julian of Toledo, *Historia excellentissimi Wambae regis*, cc. 2, 3, ed. by Wilhelm Levison in *Passiones vitaeque sanctorum aevi Merovingici* (III).

³³ José Orlandis, *La Vida en España en tiempo de los Godos* (Madrid, 1991), pp. 86–87.

(680–87).³⁴ The extent to which variations in terminology, particularly in narrative sources, should be regarded as showing significant changes in the degree or nature of the consent required is unclear. In at least some contexts words were used loosely to suggest a principle of consent, and should not necessarily be interpreted as showing the precise composition of the group required — or different stages in the procedure were being described on different occasions. Such consent could anyway probably be provided by aristocrats acting with or without the direct participation of ‘all’, as it is unlikely that, in kingdoms as large as those of the Visigoths, Franks, or even Lombards, the entire free population could be gathered at short notice to avoid a power vacuum or disputed succession.³⁵ Accordingly, it may be better to see the element of popular election as symbolic rather than universal. Those freemen who did attend represented the full people in the same way as did the citizens of Constantinople when acclaiming emperors.³⁶

The accession of a new king created a need for a plethora of local assemblies since, at least in Francia and Iberia, all freemen had to swear an oath of allegiance. In the Visigothic kingdom, this activity is attested by an impressive array of sources, ranging from the Toledan Councils (beginning with IV Toledo in 633) to the *Historia Wambae* and associated texts.³⁷ The fullest account of the procedure appears in a law of Egica (687–702), which shows that members of the royal palace had to swear the oath immediately a new king came to power, and that *discussores iuramenti* travelled around the kingdom administering the oath to the generality of the people,³⁸ presumably at some kind of local assembly. The idea of an assembly derives added strength from a story in Gregory of Tours’s *Decem Libri Historiarum* concerning the Franks: when Munderic rebelled against Theuderic I (before 511–34), he assembled the people (*populus*) to exact an oath from them so that Theuderic should know that Munderic was a king. Concerning more normal circumstances, the same source records that, after the death of Chlothar I in 561, the citizens of Tours swore an oath to his successor, Charibert;³⁹

³⁴ See Rachel L. Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom* (Ann Arbor, 2000), p. 148, concerning Sisenand and IV Toledo (633), and pp. 187–89 concerning Ervig and XII Toledo (681).

³⁵ Cf., on the Lombards, Gasparri, ‘Kingship Rituals’, p. 98.

³⁶ Sabine G. MacCormack, *Art and Ceremony in Late Antiquity*, The Transformation of the Classical Heritage, 1 (Berkeley, 1981), pp. 140–47.

³⁷ *Concilios visigoticos*, ed. by Vives, No. 21 (IV Toledo), canon 75, No. 25 (VIII Toledo), canon 2, No. 27 (X Toledo), canon 2, No. 31 (XII Toledo), canon 1, No. 36 (XVI Toledo), canons 9 and 10; Julian, *Historia excellentissimi Wambae regis*, c. 7, and the associated *Iudicium in tyrannorum perfidia promulgatum*, cc. 2, 6, ed. by Wilhelm Levison in *Passiones vitaeque sanctorum aevi Merovingici* (III). For modern discussions of the oath, see P. D. King, *Law and Society in the Visigothic Kingdom* (Cambridge, 1972), p. 41, and Dietrich Claude, ‘The Oath of Allegiance and the Oath of the King in the Visigothic Kingdom’, *Classical Folia*, 30 (1977), 3–26.

³⁸ *Leges Visigothorum*, II, 1, 7, ed. by Karl Zeumer, MGH Leges, 1 (Hannover, 1902).

³⁹ Gregory of Tours, *Decem Libri Historiarum*, IX, c. 30.

perhaps it was administered by the local *comes ciuitatis*, as laid down in a later (eighth-century) specimen document.⁴⁰

Trials and Punishments

If assemblies had a role in the making of kings, they could also play a part in the procedures used in casting defeated rulers and usurpers down from power, and could be used by the victors to display the efficacy (and even brutality) of their authority. An example is provided by the fate of the Frankish queen Brunhild († 613). When the Queen was captured, she was taken to Chlothar II (584–629), who convicted her of murdering ten Frankish kings. She was then tortured and put on display, riding on a camel as a sign of humiliation, to a group reported variously as consisting of the army or ‘many’, before being tied to the tail of a horse which was made to cut her to pieces with its hoofs.⁴¹ Although it is unclear from any of the accounts whether Chlothar’s judgement was made in an assembly, the earlier case of his mother, queen Fredegund († 596/7) suggests that other people may at least have been present. When, in 584, Guntram of the Burgundians investigated her role in the murder of several leading members of the Merovingian dynasty, he did so in an assembly.⁴²

In the Visigothic kingdom, assemblies were also used to make examples of rebels. The best known case is that of the *dux* Paul, following his attempt to overthrow Wamba. This time, the trial itself is reported to have taken place in the presence of the palace officials, while judgement seems to have been rendered before a wider group including the army (or freemen).⁴³ It is uncertain whether the members of the palace included bishops, for they are not specifically mentioned. Other evidence suggests that their participation might have been expected: an earlier law, promulgated by Chindasuinth (642–53), stipulates that the king could not pardon traitors without the consent of both

⁴⁰ Marculf, *Formulae*, I, 40, ed. by Karl Zeumer, MGH *Formulae Merovingici et Karolini aevi* (Hannover, 1882–86); *comites* also administered the oath in the Italian kingdom of the Ostrogoths — see Cassiodorus, *Variae*, VIII.5.2, ed. by Theodor Mommsen, MGH *Auctores antiquissimi*, 12 (Berlin, 1894).

⁴¹ There are several accounts, not equally detailed: Jonas, *Vita Columbani abbatis discipulorum eius*, I, 29, in *Passiones vitaeque sanctorum aevi Merovingici* (II), ed. by Bruno Krusch, MGH *SS rer. Merov.*, 4 (Hannover, 1902); Fredegar, *Chronicle*, IV, 42; *Liber Historiae Francorum*, c. 40; Sisebut, *Vita uel passio sancti Desiderii*, cc. 20, 21, in *Passiones vitaeque sanctorum aevi Merovingici* (I), ed. by Bruno Krusch, MGH *SS rer. Merov.*, 3 (Hannover, 1896); an addition to Isidore of Seville’s *Chronicon maiora*, a. DCXXIV, c. 8, *Chronica Minora*, vol. II, ed. by Theodor Mommsen, MGH *Auctores antiquissimi*, 11 (Berlin, 1884).

⁴² Gregory of Tours, *Decem Libri Historiarum*, VII, cc. 7, 14.

⁴³ See Julian of Toledo, *Historia excellentissimi Wambae regis*, c. 27, and the associated *Iudicium in tyrannorum perfidia promulgatum*, cc. 5, 7.

the bishops and the *maiores palatii*.⁴⁴ It was later decreed that palace officials were to be tried by their peers, including bishops, the *seniores*, and the lower-ranking *gardingi*.⁴⁵

Events after the Third Council of Toledo (589) illustrate the relationship between the kind of assembly before which Brunhild and Paul were displayed and more consultative gatherings. At the time the Visigoths, led by Reccared, renounced Arianism. The Council involved the presentation of more than one view of what the conversion meant. Its proceedings, however, were carefully constructed to give an impression of a broader degree of real agreement than actually existed. Following the gathering, a *dux*, Argimund, rebelled against the conversion: he was captured and, after various tortures, was paraded through the city as a warning to others.⁴⁶

It was not only secular magnates who could be tried before gatherings of their peers. Bishops accused of treachery were arraigned before ecclesiastical councils convoked by the king. Examples from the Frankish kingdom include the cases of Praetextatus of Rouen in 577 and of Gregory of Tours in 580, as well, perhaps, as that of Leodegar of Autun a century later.⁴⁷ The only significant difference between those cases and ones involving the secular aristocracy was that while bishops were involved in the procedures for trying secular magnates, laymen were largely excluded from those involving ecclesiastics. In the Visigothic kingdom, however, there could be a dual procedure. This is illustrated by the case of Archbishop Sisebut of Toledo. Convicted of treachery against Egica at the Sixteenth Council of Toledo (693), his punishment was confirmed by a secular or mixed group⁴⁸ similar to that employed by Wamba against Paul. Whatever the precise means employed, all matters of this kind involved a degree of visible imposition of the royal will and the creation of a perception of agreement, at least as much as genuine participation. The balance between the two may have varied according to circumstance.

Rule with consent

Rule in council with the *optimates* was regarded as a prime princely virtue by at least one early-eighth-century author, the writer of the *Liber Historiae Francorum*.⁴⁹

⁴⁴ *Leges Visigothorum*, VI, 1, 7.

⁴⁵ *Concilios visigoticos*, ed. by Vives, No. 32 (XIII Toledo), canon 2.

⁴⁶ See Stocking, *Bishops, Councils, and Consensus*, esp. pp. 64–68; the source for the rebellion is John of Biclaro, *Chronicle*, ed. by Theodor Mommsen, *Chronica Minora*, 2, VIII Maurice, c. 3.

⁴⁷ Praetextatus: Gregory of Tours, *Decem Libri Historiarum*, V, c. 18, VII, c. 16; Gregory: *ibid.*, V, c. 49; Leodegar: *Passio I Leudegarii*, c. 33, see also *Passio II*, cc. 16, 17 — see Odette Pontal, *Histoire des conciles mérovingiens* (Paris, 1989), p. 233.

⁴⁸ See E. A. Thompson, *The Goths in Spain* (Oxford, 1969), pp. 244–45.

⁴⁹ Richard A. Gerberding, *The Rise of Carolingians and the Liber Historiae Francorum* (Oxford, 1987), pp. 75–76, 162.

Although it is known that kings consulted (to varying degrees), the extent to which they built genuine consensus (that is, ruled by agreement) rather than imposing their will is often unclear. This has important consequences for understanding the dynamics of assemblies. At one end of the range of interpretations, it could be imagined that assemblies were events at which opposing views were discussed and decisions taken according to the consensus of opinion — almost a modern parliamentary procedure.⁵⁰ At the opposite extreme, they could be thought to have served the announcement of royal decisions, the public nature of the forum discouraging open dissent, and the final vote or acclamation creating an impression of consensus.

The question is thrown into relief by events in seventh-century Burgundy. On at least two occasions the nobles were involved in the decision as to whether there should be a *maior domus* for their kingdom and, if so, who should be appointed. In 626, Chlothar II summoned the leading Burgundians (the *proceres* and the *leudes*) to meet, and asked whether they wished to appoint a replacement for Warnachar, who had recently died.⁵¹ In 643, after the death of the *maior* Aega, Nantechild, Queen Mother and regent for Clovis II, summoned all the leaders and bishops of the Burgundians and persuaded them to appoint Floachad in his place.⁵² These episodes have sometimes been seen as marking an early stage of Merovingian royal weakness, for they appear to suggest that the nobility could dictate who the closest advisers to the king should be. On each occasion, however, the initiative for seeking consent came from the ruler, and the solution adopted was in line with royal suggestion. In the case of Floachad this is explicit in Fredegar's account of the events, for he says that Nantechild won the Burgundian leaders over one by one and then (*ibique*) Floachad was made *maior* by the consent of all the bishops and *duces*.⁵³ How much real debate there could have been is unclear: these events could be seen as manoeuvres to create an impression of unanimity, thereby strengthening the hand of the ruler in dealing with potential dissidents. This idea receives added strength from another passage in Fredegar's *Chronicle*, in which it is remarked that, when Dagobert I (623–38/9) proposed making his son, Sigibert III (633/4–56), sub-king in Austrasia, the Austrasians felt compelled to agree, out of fear of the king.⁵⁴ There are similarities between that situation and the Burgundian events described above. By the seventh century, Burgundy was a kingdom without a king, and *maiores* were effectively

⁵⁰ There are several discussions of early medieval assemblies in these terms. Examples include Jeremy duQuesnay Adams, 'The Eighth Council of Toledo (653): Precursor of Medieval Parliaments?', in *Religion, Culture, and Society in the Early Middle Ages*, ed. by Thomas F. X. Noble and John J. Contreni, Studies in Medieval Culture, 23 (Kalamazoo, 1987), pp. 41–54, and Joseph Balon, 'Aux origines du régime parlementaire dans le monde moderne: les assemblées législatives franques et leurs réalisations', *Anciens Pays et assemblées d'états*, 62 (1973), 5–19.

⁵¹ Fredegar, *Chronicle*, IV, c. 54.

⁵² Fredegar, *Chronicle*, IV, c. 89.

⁵³ It is not clear whether *duces* is here used in its technical sense to describe (primarily) military leaders, or whether it simply refers to the leading men of the Burgundian sub-kingdom.

⁵⁴ Fredegar, *Chronicle*, IV, c. 76.

deputies for the king in a way similar to the Austrasian sub-kings created by Chlothar II and Dagobert I. In view of this it is not wholly surprising that a degree of consent was required — when it was lacking, kings risked becoming hostage to one aristocratic faction, leading to a withdrawal of support by others. That is what happened a century later, when parts of the *Regnum Francorum* began to withdraw support from the Merovingian dynasty as it became increasingly influenced by the Pippinid *maiores domus*.⁵⁵ In view of all these events, it may no accident that when the particularly factious *maior* Ebroin died in 680, his successor, Waratto, is reported to have been chosen by ‘the Franks’.⁵⁶ The circumstances surrounding the appointment of Frankish *maiores* were often exceptional. However, the principle that decisions should be made in large gatherings of magnates (secular and/or ecclesiastical), with the widespread possibility of fostering at least a veneer of consent.

The nature of business which could be conducted in assemblies varied. In 616, for example, Chlothar II convened the Burgundian nobles and bishops so that he could listen to their petitions and confirm his actions in writing.⁵⁷ Such business might include judgements in a range of cases, as suggested by the surviving royal *placita* from the Frankish and Lombard kingdoms. These documents usually state explicitly that the king reached his decision in concert with some combination of *iudices*, *fideles*, *proceres*, specified courtiers, and bishops.⁵⁸ To take a single significant example, a Frankish *placitum* of 697 records that the king, surrounded by courtiers and all his *fideles*, delivered judgement against members of the Pippinid family, the most powerful aristocratic faction in the kingdom.⁵⁹ It is perhaps significant that the gathering was one of the

⁵⁵ Gerberding, *Rise of the Carolingians*, pp. 111–12. See also Barnwell, *Kings, Courtiers, and Imperium*, pp. 32–40, 49–50.

⁵⁶ Fredegar, *Chronicle*, continuation, c. 4.

⁵⁷ Fredegar, *Chronicle*, IV, c. 44.

⁵⁸ The Frankish examples are *Die Urkunde der Merowinger*, ed. by T. Kölzer, MGH, *Diplomata Regum Francorum e stirpe Merovingica*, 2 vols (Hannover, 2001), Nos 88 (= *Chartae Latinae Antiquiores* [hereafter *Ch.L.A.*], ed. by Albert Bruckner and Robert Marichal (Olten, 1954–), XIII, No. 557), 93 (*Ch.L.A.*, XIII, No. 561), 94 (*Ch.L.A.*, XIII, No. 553), 95 (*Ch.L.A.*, XIII, No. 562), 126 (*Ch.L.A.*, XIII, No. 567), 135 (*Ch.L.A.*, XIV, No. 572), 136 (*Ch.L.A.*, XIV, No. 575), 141 (*Ch.L.A.*, XIV, No. 576), 149 (*Ch.L.A.*, XIV, No. 571), 153 (*Ch.L.A.*, XIV, No. 584), 155 (*Ch.L.A.*, XIV, No. 585), 167 (*Ch.L.A.*, XIV, No. 590), 187 (not an original); the only Frankish exception to this is No. 137 (*Ch.L.A.*, XIV, No. 573). For Lombard examples, see *Codice Diplomatico Longobardo*, ed. by Luigi Schiaperelli and others, *Fonti per la storia d’Italia*, 62–66, 5 vols (Rome, 1929–), III.1, Nos 6, 13; the participation of bishops is not apparent, but the documents are so few that this may not be significant — they did participate in private acts, such as I, Nos 20, 21, and II, No. 255; see Mor, ‘Modificazioni strutturali dell’assemblea longobarda nel secolo VIII’, pp. 7–9.

⁵⁹ *Urkunde der Merowinger*, No. 149 (*Ch.L.A.*, XIV, No. 581) — see Ian Wood, *The Merovingian Kingdoms, 450–751* (London, 1994), p. 263; for another, even later, judgement against the Pippinids, see *Urkunde der Merowinger*, No. 157 (*Ch.L.A.*, XIV, No. 587), of 709/10, though on that occasion many fewer people are recorded as being in attendance.

largest recorded in a document of this kind during the Merovingian period. It enabled the king to be seen to be acting with the support of a large section of the nobility, locking all those present into supporting the decision, and giving greater legitimacy to the outcome of the hearing.

Another important aspect of creating consent through assemblies relates to the political, rather than the judicial, process. This is particularly clear in some ecclesiastical councils, such as the 511 Council of Orléans, convened by Clovis to help consolidate his hold over newly conquered Aquitaine by bringing its bishops together with those from the remainder of his kingdom.⁶⁰ Between 662 and 675, Childeric II convened a similar council shortly after he, in turn, had gained control of Aquitaine to add to his Austrasian kingdom.⁶¹ A similar concern with displaying political unity lay behind Chlothar II's summoning of the Council of Paris in 614, a year after his re-unification of the *Regnum Francorum*. The unifying power of ecclesiastical councils in Francia is underlined by the holding of 'national' councils in the sixth century even when the Frankish kingdom was divided among two or more rulers.⁶²

The cohesive force of such gatherings in seventh-century Spain has long attracted comment. The unity of the kingdom rather than that simply of the Church is emphasized by the presence at the Toledan councils of secular magnates or courtiers. There is no direct Frankish parallel to this last element, but it is echoed by the holding of assemblies of secular magnates a few days after councils such as those at Paris in 614 and Clichy in 626/7.⁶³ The Lombards, on the other hand, do not seem to have used ecclesiastical authority in this way. This may have been partly because their rulers did not finally convert from Arianism until the middle of the seventh century. Even after that event, the Catholic Church could not easily be aligned with Lombard kingship owing to the geographically fragmented nature of the kingdom, and because of the presence in Italy of the Papacy.

The effectiveness of councils and 'mixed' assemblies (where both ecclesiastical and secular leaders were present) as agents of unification depended largely on the participants' reaching agreement. Not only that, but the king had to give force to the resolutions. Councils, at least when they touched upon political issues, were not of themselves

⁶⁰ Pontal, *Histoire des conciles*, pp. 50–51.

⁶¹ The fourth canon states that the council was held 'pro stabilitate regni'; see Pontal, *Histoire des conciles*, pp. 229–31.

⁶² Pontal, *Histoire des conciles*, pp. 45–46, 289–89; Waltraut Bleiber, *Das Frankenreich der Merowinger* (Berlin, 1988), pp. 115–16.

⁶³ For Paris in 614, see *Concilia Galliae a. 511–a. 695*, ed. by Charles de Clercq, *Corpus Christianorum Series Latina*, 148A (Turnhout, 1963), pp. 275–85; Edict of Chlothar II, ed. by Alfred Boretius in *Capitularia regum Francorum*, vol. I, MGH Capit., I (Hannover, 1883), pp. 20–23. In relation to Clichy in 626/7, see Fredegar, *Chronicle*, IV, c. 55, and the proceedings of the Council — *Concilia Galliae*, ed. by de Clercq, pp. 291–97. For general discussions, see Eugen Ewig, *Die Merowinger und das Frankenreich* (Stuttgart, 1988), p. 104, and Pontal, *Histoire des conciles*, pp. 291–97.

legislative or judicial bodies.⁶⁴ The real meaning of unity or 'consensus' is revealed by the proceedings of the Councils of Toledo. In a detailed analysis of the the Third Council of Toledo, Stocking has shown that — despite the rhetoric of unity — King Reccared, the secular aristocracy, and the bishops, all had their own interpretation of the reasons why the Goths had espoused the 'error' of Arianism. Thus, although there was an appearance of unity, there were considerable tensions below the surface.⁶⁵ Later, in the middle of the seventh century, the nature of the process of making consensus becomes more transparent. Starting with the Eighth Council (653), the agenda was effectively dictated by the king in a *tomus* which he issued at the start of the proceedings. The participants might discuss their own ideas (as happened at the Eighth Council in relation to proposals defining which royal property belonged to the king and which to the crown), but the king's wishes were ultimately enacted.⁶⁶ At the end of the Council, the king (like his imperial counterparts) issued laws confirming its acts and giving them force.⁶⁷ Consensus in these cases was ultimately coercive, particularly since the claim that the conclusions of ecclesiastical councils were inspired by the Holy Spirit rendered open dissent difficult and dangerous.⁶⁸

Routine Assemblies

All assemblies to which reference has so far been made were somewhat exceptional. King-making and the trial of rebels were very particular events, demanding the convocation of special assemblies. Most of the national church councils were summoned to deal with specific circumstances, often (as with the Visigoths) at times of political uncertainty.⁶⁹ The exceptional nature of these gatherings meant that they were sometimes noted in narrative sources such as the *Decem Libri Historiarum* of Gregory of Tours, or even in the much more laconic Chronicle of Fredegar. Their proceedings were

⁶⁴ Sánchez-Albornoz, 'El Aula Regia', pp. 126–38, *contra* Ramon D'Abadal, 'Els concilis de Toledo', in *Homenaje a Johannes Vincke, para el 11 de Mayo, 1962*, 2 vols (Madrid, 1962–63), I, 21–45 (pp. 41–42).

⁶⁵ Stocking, *Bishops, Councils, and Consensus*, pp. 64–68 and 85–88.

⁶⁶ *Concilios visigóticos*, ed. by Vives, No. 25 (VIII Toledo), canon 10; see also *Leges Visigothorum*, II, 1, 6. See Thompson, *Goths in Spain*, p. 204 (VIII Toledo), and pp. 278–79 and 281–82 (*tomi* in general); and José Orlandis and Domingo Ramos-Lissón, *Historia de los concilios de la España romana y visigoda*, Colección historia de la Iglesia, 13 (Pamplona, 1986), pp. 346–51 (VIII Toledo) and pp. 173–74 (*tomi* in general).

⁶⁷ Orlandis and Ramos-Lissón, *Historia de los concilios*, pp. 190–93.

⁶⁸ Stocking, *Bishops, Councils, and Consensus*, pp. 12, 63, 173.

⁶⁹ Z. García Villada, 'El Gobierno de la nación y los concilios generales y provinciales en tempo de los visigodos', *Estudios eclesiásticos*, 10 (1931), 500–23 (p. 502); Yolanda García López, *Estudios críticos de la 'Lex Visigothorum'*, Memorias del seminario de historia antigua, 5 (Alcalá, 1996), pp. 24–25; Stocking, *Bishops, Councils, and Consensus*, pp. 174–75.

formally written down, and a continuing perception of their importance led to their preservation.

There were also other, more routinely held, kinds of assembly. By the very fact that they were habitual, they attracted less attention in surviving sources other than those which are products of the gatherings themselves. There is also considerable uncertainty as to their precise nature and range of functions. The main kind of activity which can be detected concerns the promulgation of laws, as some legal provisions and law codes contain artefacts of the way in which they were produced. The largest volume of evidence of this kind comes from the Lombard kingdom. From the reign of Liutprand (712–44) survive fifteen sets of legal provisions added to the Lombard legal code at assemblies held on the first of March.⁷⁰ The vocabulary used to describe those involved in the proceedings varies slightly, but usually includes some combination of *iudices*, *fideles*, and *optimates*. There are sometimes indications that the ‘people’ were present, though their precise role is not defined.⁷¹ Some clarification is provided by the preface to the laws issued in 725, which explains that any case brought to the king requiring a modification or addition to the law was held over until the following March, when all the *iudices* were brought together. This suggests that the king sought the advice of all judges in the formulation of new law, rather than only of those involved in the royal tribunal on any given occasion. Since the emphasis is placed on the *iudices*, it is possible that the ‘popular’ element of the March gathering was restricted to confirming the resolution of the king and the nobles, rather than being involved in active debate.⁷² This idea is supported by evidence from the laws issued in 668 by Grimoald (662–71), in which it is recorded that they were compiled at the suggestion of the *iudices* and with the consent of all.⁷³ A similar principle is outlined in the 643 Edict of Rothari (636–52). Its heading states that it was issued by the king with his leading judges, while the confirmatory title at the end records that the king had taken advice and obtained consent from the judges, strengthened by the people, and confirmed by the ritual of *gairethinx*.⁷⁴

⁷⁰ See the prefaces to the capitularies for each year in *Leges Liutprandi*, ed. by Claudio Azzara and Stefano Gasparri, *Le Leggi dei Longobardi: storia, memoria e diritto di un popolo germanico* (Milan, 1992). The prefaces to the laws of Ratchis and Aistulf (in the same volume) show that the March gathering continued under later eighth-century kings.

⁷¹ The prefaces to the *Leges Liutprandi* for 713 and 720 refer to the presence of all the people; those to the laws of 717, 720, 723, and 731 refer to that of the ‘Lombards’ — see also the preface to the 746 *Leges Ratchis* and that to the 750 *Leges Aistulfi*.

⁷² *Leges Liutprandi*, ed. by Azzara and Gasparri, preface to laws of 726, states that the provisions later detailed were enacted after the *iudices* and *fideles* ‘inter se conlocuti sunt’, again implying discussion amongst a restricted group rather than a debate involving the ‘people’.

⁷³ *Leges Grimoaldi* (ed. by Azzara and Gasparri as *Leges Liutprandi*), preface: ‘[. . .] per suggestione iudicum omniumque consensu [. . .]’.

⁷⁴ *Edictum Rothari* (ed. by Azzara and Gasparri as *Leges Liutprandi*), 386: ‘[. . .] pari consilio parique consensum cum primatos iudices cunctosque felicissimus exercitum nostrum augentes constituimus [. . .]’.

The nature of this ritual is debated, but it was probably a kind of acclamation involving the brandishing of weapons.⁷⁵

Despite the relative wealth of evidence for Lombard assemblies at which laws were issued, much concerning them remains obscure. The only record we have of them is contained in the legal provisions enacted at them, rather than in any record of the proceedings of the assemblies themselves. It is therefore not possible to find out what other business was conducted there (though Frankish evidence suggests that they were not simply legislative — see below), or the extent to which other decisions were debated rather than announced and acclaimed. Furthermore, the assemblies at which the laws of Rothari and Grimoald were issued did not take place in March, but in November and July, respectively. It is unclear whether this should be interpreted to suggest that the assemblies concerned were ‘extraordinary’ — as might have been appropriate at least in the case of Rothari, who was issuing the first codification of law for the kingdom — or whether they were routine. In the latter case the regular holding of such gatherings specifically in March could have been an innovation of the late seventh or early eighth century, perhaps under Frankish influence.

Similar questions arise in relation to the Frankish kingdom, though there the tradition of a March assembly of freemen (or warriors) can be traced back to the end of the sixth century.⁷⁶ The preface to the tripartite Decree of Childebert, containing laws promulgated in 594, 595, and 596, records that the *optimates* were consulted concerning the law at the beginning of March each year. The text of two of the individual titles suggests that the resolutions were then announced to a wider group (the *leudes*, or ‘all’).⁷⁷ The

⁷⁵ On *gairethinx*, see E. Cortese, ‘*Thinx, garethinx, thingatio, thingere in gaida et gisil*: Divagazioni longobardistiche in tema de legislazione, manumissione dei servi, successioni volontarie’, *Rivista di storia del diritto italiano*, 61 (1988), 33–64, *contra* Morossi, ‘L’Assemblea nazionale del regno longobardo-italico’, p. 259, and Jarnut, *Geschichte der Langobarden*, pp. 50–51, who see the assembly itself as the *gairethinx*.

⁷⁶ The nature of the assembly has been much debated, particularly in view of the Carolingian gathering on the first of May each year. The literature is vast: see, for example, Léon Levillain, ‘Campus Martius’, *Bibliothèque de l’École des Chartes*, 107 (1947–48), 62–68; Donald A. Bullough, ‘*Europae pater*: Charlemagne and his Achievement in the Light of Recent Scholarship’, *English Historical Review*, 85 (1970), 59–105 (pp. 85–86); Bernard S. Bachrach, ‘Was the Marchfield Part of the Frankish Constitution?’, *Mediaeval Studies*, 36 (1974), 178–85; Karl Ferdinand Werner, *Les Origines (avant l’an mil)*, Histoire de France, 1 (Paris, 1984), pp. 301–02; Matthias Springer, ‘Jährliche Wiederkehr oder ganz anderes: Märzfeld oder Marsfeld?’, in *Rhythmus und Saisonalität: Kongreßakten des 5. Symposions des Mediävistenverbands in Göttingen, 1993*, ed. by Peter Dilg, Gundolf Keil, and Dietz-Rüdiger Moser (Sigmaringen, 1995), pp. 297–324.

⁷⁷ Decree of Childebert II, ed. by Boretius, *Capitularia Regum Francorum*, I, prologue (*optimates*), c. 2 (*leudes*), c. 4 (*omnes*). On this text in general, see Wilhelm Alfred Eckhardt, ‘Die Decretio Childeberti und ihre Überlieferung’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, germanistische Abteilung*, 84 (1967), 1–71. The interpretation offered here is counter to that of Balon, ‘Aux Origines du régime parlementaire’, who sees the full assemblies as of deliberative nature.

significance of the March assembly is underlined by a clause in the early-eighth-century recension of the Alamannic Laws, referring to regular gatherings on the calends of that month.⁷⁸ Its significance is also suggested by a tradition of Carolingian propaganda against the Merovingians. This seeks to show that the Pippinids managed the annual March gathering of the Frankish people, and were therefore the real power in the land.⁷⁹ Leaving aside the tendentious nature of the material, the importance of the annual gathering is clear. So is the fact that it had functions other than the creation of new laws. These included receiving legates from foreign rulers,⁸⁰ but also perhaps embracing the announcement of decisions, appointments, and military campaigns, the resolution of some kinds of judicial case, and the performance of royal rituals.

The March gatherings were not the only ones at which laws could be promulgated, for Guntram issued his Edict of 585 in November, immediately after the ecclesiastical council at Mâcon, and Chlothar II's Edict followed the Council of Paris in October 614.⁸¹ Occasions on which other legal compilations were promulgated are rarely known. One of the few certainties concerning the issuing of the *Pactus legis Salicae* is that its compilation was agreed by the Franks and that it was drawn up after discussion involving judges.⁸² When and where this took place is not recorded. Similarly vague are some later enactments, such as Chilperic's Edict, which refers to the involvement of *optimates*, *antrustiones*, and 'all the people',⁸³ though in what precise way, and on what occasion, are not revealed.

Neither the legislative assemblies of the Franks and Lombards, nor the capitularies which record them, have any apparent counterpart in the Visigothic kingdom. However, that cannot be taken to mean that they did not exist. Unlike Frankish and Lombard laws, which consist of single codes to which new provisions were added, those of the Visigoths were codified more than once during the seventh century.⁸⁴ As part of the

⁷⁸ *Lex Alamannorum*, c. 17.2, ed. by Karl Lehmann, MGH Leges, 5.1 (Hannover, 1888).

⁷⁹ Especially *Annales Mettenses Priores*, s.a. 692 (*recte* 690), ed. by Bernhard von Simson, MGH SS rer. Ger., 10 (Hannover, 1905); *Chronicon Laurissense Breve*, ed. by H. Schnorr von Carolsfeld, *Neues Archiv*, 36 (1911), 15–39 (pp. 27–28); *Annales Fuldenses*, s.a. 751, ed. by Friderich Kurze, MGH SS rer. Ger., 7 (Hannover, 1895); Einhard, *Vita Karoli Magni*, I, c. 1, ed. by Oswald Holder-Egger, MGH SS rer. Ger., 25 (Hannover, 1911).

⁸⁰ See Paul S. Barnwell, 'War and Peace: Historiography and Seventh-Century Embassies', *Early Medieval Europe*, 6 (1997), 127–39 (pp. 138–39).

⁸¹ Wood, *Merovingian Kingdoms*, pp. 105–06.

⁸² *Pactus legis Salicae*, Shorter Prologue, ed. by Karl August Eckhardt, MGH Leges, 4.1 (Hannover, 1962): it is not clear that 'the Franks' were involved in the compilation — the text states that it was decided by the Franks and their nobles that laws were necessary, but that the code resulted from the action of four men (judges). See also *Liber Historiae Francorum*, c. 4, which reports that the Franks decided they wanted to be ruled by kings, and then began to have laws which were managed by the leading men.

⁸³ Edict of Chilperic, c. 1, ed. by Boretius, *Capitularia regum Francorum*, I.

⁸⁴ García López, *Estudios críticos de la 'Lex Wisigothorum'*, pp. 9–14.

process of codification, most of the individual provisions were shorn of any indication of how they were initially enacted. Thus the ways in which new norms were created between the codifications are now largely invisible. In a few instances, however, there are still some clues as to the procedure: the anti-Jewish legislation of King Sisebut (612–21), for example, records the participation of ‘all the palatine office’,⁸⁵ and a handful of other laws mention the involvement of courtiers and bishops.⁸⁶ The absence of direct evidence for the kind of annual assembly at which Lombard and Frankish kings legislated may therefore suggest a more regular approach of Visigothic rulers to codification, rather than indicate a fundamental difference in the initial law-making process or forum.⁸⁷ Some laws, mainly concerning the definition of procedures for the election of kings or dealing with rebels, were enacted at the Toledan Councils, but the latter were not the occasions on which the generality of legislation was introduced.⁸⁸ Rather, the role of the Councils lay in noting and supporting kings’ decisions to produce codifications of the law. This happened at the Eighth Council in 653, when Reccesuinth stated his intention to produce a new law book, and again in 681, when Ervig made a similar announcement at the Twelfth Council. This was followed twelve years later by Egica at the Sixteenth (though his intentions were never fully realized).⁸⁹

Conclusion

Whether an assembly was routine or extraordinary, it was a powerful element for binding a kingdom together. Although the size of early medieval kingdoms meant that it was impossible for all the ‘people’ to attend, leaders from across the territory were present.⁹⁰ The simple fact of great men, their households and retinues, travelling to and from assemblies was a potent demonstration of political cohesion: wherever such retinues passed, people would be aware of their purpose. Extraordinary gatherings also required considerable activity by messengers conveying summonses to attend,⁹¹ providing evidence of the power of the king throughout the realm.

⁸⁵ *Leges Visigothorum*, XII, 2, 14.

⁸⁶ For example, *Leges Visigothorum*, II, 1, 5 (of Reccesuinth) and II, 1, 1 (of Egica).

⁸⁷ Sánchez-Albornoz, ‘Aula regia’, p. 248, does not preclude the possibility of annual assemblies.

⁸⁸ Luis García de Valdeavellano, *Curso de la historia de las instituciones españolas de los orígenes al fin de la edad media*, 4th edn (Madrid, 1975), pp. 199–200.

⁸⁹ García López, *Estudios críticos de la ‘Lex Wisigothorum’*, pp. 9–14, 24–25.

⁹⁰ Morossi, ‘L’Assemblea nazionale del regno longobardo-italico’, pp. 279–81; Bognetti, ‘Santa Maria foris portas de Castelseprio’, pp. 57–58 and 76–77.

⁹¹ No actual documents of this kind survive from the period under discussion, but their existence is demonstrated by Marculf, *Formulae*, I, 28, a specimen document summoning a *comes* to the royal presence; see also I, 37.

At the assembly, the process of decision-making seems to have been divided into two elements. First, either before the assembly itself or in its early stages, the king and magnates (whether secular, ecclesiastical, or both) agreed upon the matters in hand. The evidence of the Third and Eighth Councils of Toledo suggests that, while views other than those of the king might be expressed in gatherings of this kind, the royal will, often presented in advance, ultimately prevailed. Seeking consent at this level was a matter of practicality, as no king could rule without the support of the nobles, or at least of a sizeable number of them.⁹² Second, the decisions were placed before the assembly as a whole for them to be acclaimed. By assembling, and by the act of acclamation, the 'people' symbolized the unity of the kingdom and created an impression of agreement to royal actions (whether they involved the punishment of a rival or the enactment of new laws). There is no evidence that the full assembly engaged in active debate, and very little sign of any kind of 'warrior democracy'. Rather, collective acquiescence created an obligation on the nobles and people alike to comply with the decisions acclaimed.⁹³ Those attending stood for the population as a whole, but were not representatives (still less delegates) in the modern technical sense. The political purpose of such assemblies was not to arrive at consensus through discussion, but to provide a forum in which unity could be displayed, announcements made, opposition quelled, and the royal will imposed.

⁹² See also King, *Law and Society in the Visigothic Kingdom*, p. 38.

⁹³ Jarnut, *Geschichte der Langobarden*, p. 81; for a similar interpretation relating to the Carolingian period, see François Louis Ganshof, *Frankish Institutions under Charlemagne* (New York, 1968), p. 16.

Talking Heads: Assemblies in Early Medieval Germany

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The assemblies that are the concern of this paper were high society, gatherings of a ruling elite. These gatherings dealt with the great business of the realm: war and peace, condemnation of rebels and the rewarding of the faithful, judgement and legislation. In Nelson's words, they were 'the one thing that held political systems together'.¹ We should not make the assumption that, since kings were the leading actors in such systems, assemblies were simply vehicles for the exercise of royal power and theatres for its display. Assemblies were venues for collective action which meant that the identity and authority of their participants were constantly asserted, displayed, and maintained. This feature was well caught by Reuter in a wide-ranging paper on assembly politics: 'it was through embodying itself as an assembly that the [. . .] political community was empowered and enabled to practice politics'.² But if we should not imagine such meetings as overshadowed by untrammelled royal authority, it seems that we should also not imagine them as venues for frank speech and fierce arguments.

¹ Janet L. Nelson, 'Rulers and Government', in *The New Cambridge Medieval History*, vol. III, c. 900–c.1024, ed. by Timothy Reuter (Cambridge, 1999), pp. 95–129 (p. 124).

² Timothy Reuter, 'Assembly Politics in Western Europe from the Eighth Century to the Twelfth', in *The Medieval World*, ed. by Peter Linehan and Janet L. Nelson (London, 2001), pp. 432–50 (p. 442); see also his analysis of a specifically Ottonian context in idem, '*Regemque, quem in Francia pene perdidit, in patria magnifice recepit*: Ottonian Ruler Representation in Synchronic and Diachronic Comparison', in *Herrschaftsrepräsentation im Ottonischen Sachsen*, ed. by Gerd Althoff and Ernst Schubert, *Vorträge und Forschungen*, 46 (Sigmaringen, 1998), pp. 363–80 (pp. 378–79), and idem, 'König, Adelige, Andere: Basis und Überbau in ottonischer Zeit', in *Ottonische Neuanfänge*, ed. by Bernd Schneidmüller and Stefan Weinfurter (Mainz, 2001), pp. 127–50 (pp. 128–29).

Important work by Althoff shows that members of a ruling elite anxious to defend their honour could not take the risk of using language of open challenge and insult in public assemblies, as these assemblies were not sufficiently flexible structures to contain potentially explosive episodes. This means that the great emotional set-pieces in our narrative sources of sudden grantings of mercy, of shedding of tears etc., have to be read as elements in a system of calculated display and representation, a system that was carefully stage-managed and where displays were far from spontaneous but agreed upon in advance, usually in 'secret' meetings involving only an inner circle of key players.³ But could all meetings be really so tightly controlled? And did all participants in such staged encounters read them in the same way? While drawing on the ideas of Althoff, this paper seeks to develop and test them further, and will argue that assemblies were neither so controlled nor as rigid as some influential current thinking suggests.

The focus of this paper is on early medieval Germany, a question-begging term which should be understood here as referring to the Carolingian east Frankish kingdom and its Ottonian and Salian successors.⁴ We are less informed on this area than we are on its west Frankish counterpart (at least for the ninth century), and some of the gaps in our sources may reflect gaps in the organization of the kingdom. We have, for example, no east Frankish equivalent of the treatise *On the Governance of the Palace* by Archbishop Hincmar of Rheims (c. 806–82), with its description of assembly management.⁵ Nor is there anything to compare to the great body of capitularies issued

³ Althoff has approached these problems in a variety of articles, the most relevant of which here are Gerd Althoff, 'Colloquium familiare – colloquium secretum – colloquium publicum: Beratung im politischen Leben des früheren Mittelalters', *Frühmittelalterliche Studien*, 24 (1990), 145–67, reprinted in idem, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde* (Darmstadt, 1997), pp. 157–84; idem, 'Demonstration und Inszenierung: Spielregeln der Kommunikation in mittelalterlicher Öffentlichkeit', *Frühmittelalterliche Studien*, 27 (1993), 27–50, reprinted in idem, *Spielregeln der Politik*, pp. 229–57. Since Althoff's book contains most of his key articles on this area, reference will henceforth simply be made to it, rather than to individual articles. For helpful comments on Althoff's work, see Jean-Marie Moeglin, 'Rituels et Verfassungsgeschichte au moyen âge', *Francia*, 25 (1998), 245–50, and the review by Timothy Reuter, *German Historical Institute London Bulletin*, 23 (2001), 40–47; the impact of his work is apparent in contributions to *Formen und Funktionen öffentlicher Kommunikation im Mittelalter*, ed. by Gerd Althoff, *Vorträge und Forschungen*, 51 (Sigmaringen, 2001). Alternative perspectives are offered by Geoffrey Koziol, *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca, 1992) and Philippe Buc, *The Dangers of Ritual* (Princeton, 2001), and there is fruitful English material for comparison in John Hudson, 'Henry I and Counsel', in *The Medieval State: Essays Presented to James Campbell*, ed. by John Robert Maddicott and David Michael Palliser (London, 2000), pp. 109–26.

⁴ General surveys and definitions in Timothy Reuter, *Germany in the Early Middle Ages c. 800–1056* (London, 1991), and Benjamin Arnold, *Medieval Germany, 500–1300: A Political Interpretation* (Basingstoke, 1997).

⁵ Ed. with a German trans. by Thomas Gross and Rudolf Schieffer, *Hincmar von Reims, De ordine palatii* (*Hincmarus De ordine palatii*), MGH Fontes, 3 (Hannover, 1980).

by Charles the Bald († 877).⁶ Further, tenth-century Ottonian government is generally seen as having had a much less substantial apparatus than its Carolingian predecessor. It certainly generated much less documentation, and that tells us something about its character.⁷ Reuter echoes Leyser's warning to historians not to be seduced into writing up the Ottonian period 'in terms of a shadow-history of institutions that did not exist'.⁸

Such warnings are salutary, but assemblies did take place east of the Rhine and did so before the establishment of a Carolingian kingdom there. We do not need to turn to Tacitus (c. 55–116/20) to establish this point. Before the Carolingian take-over of 788, the Agilolfing dynasty of the dukes of Bavaria had a palace in Regensburg and assemblies and meetings must have taken place there, though Duke Tassilo III (749–88/94) seems to have preferred Salzburg to Regensburg.⁹ The pagan Saxons held assemblies, if we can trust the vivid account of one in the mid-ninth-century *Life* of Saint Lebuin (Liafwine). This describes how the saint travelled to the site of the Saxons' annual assembly where their leaders (the Saxons did not have kings) gathered to make laws and prepare for war etc., and how he enraged some of them with his warnings of the military catastrophe which the Christian king of the Franks, Charlemagne (768–814), would visit upon them if they did not convert to the worship of the true God.¹⁰ Ian Wood has recently warned us against assuming that the *Life* of Lebuin opens a window onto actual Saxon practice in the eighth century, noting that part of what looks like an account of distinctive Saxon political structures actually derives from a text by Bede (672/73–735),

⁶ To be found in *Capitularia regum Francorum*, vol. II, ed. by Alfred Boretius and Viktor Krause, MGH Capit. 2 (Hannover, 1890–97).

⁷ Reuter, *Germany in the Early Middle Ages*, pp. 84–94, 208–20; Nelson, 'Rulers and Government', offers a wide-ranging comparative context as she also does for the earlier period in eadem, 'Kingship and Royal Government', in *The New Cambridge Medieval History*, vol. II, c. 700–c. 900, ed. by Rosamond McKitterick (Cambridge, 1995), pp. 383–430. On Hincmar and west Frankish assemblies under Charles the Bald, see eadem, 'Legislation and Consensus in the Reign of Charles the Bald', in *Ideal and Reality: Studies in Frankish and Anglo-Saxon Society Presented to J. M. Wallace-Hadrill*, ed. by Patrick Wormald (Oxford, 1983) pp. 202–27, reprinted in eadem, *Politics and Ritual in Early Medieval Europe* (London, 1986), pp. 91–116; Nelson already saw how assemblies were 'managed' in advance. Equally indispensable on Ottonian government remains Karl Leyser, 'Ottonian Government', *English Historical Review*, 96 (1981), 721–53, reprinted in idem, *Medieval Germany and its Neighbours 900–1250* (London, 1982), pp. 69–101.

⁸ Reuter, 'Assembly Politics', p. 433, citing Leyser, 'Ottonian Government'.

⁹ Carlrichard Brühl, *Palatium und Civitas: II Germanien* (Cologne, 1990), pp. 223, 246.

¹⁰ *Vita Lebuini Antiqua*, c. 4, ed. by Adolf Hofmeister, in *Supplementa tomorum XVI–XV*, ed. by Adolf Hofmeister and others, MGH SS, 30.2 (Leipzig, 1926–34), p. 793; comment and context in Henry Mayr-Harting, 'Charlemagne, the Saxons and the Imperial Coronation of 800', *English Historical Review*, 111 (1996), 1113–33 (pp. 1124–26), and see the brief overview of Saxon society in Walter Pohl, *Die Germanen*, Enzyklopädie Deutscher Geschichte, 57 (München, 2000), pp. 39–40, 114–15.

who himself was drawing on the Old Testament.¹¹ All this, with the *Life's* author's distance in time and culture from the society he was purporting to describe and the likelihood that Charlemagne's conquest of Saxony destroyed much of its original culture, makes this text an unreliable witness. It is not, however, intrinsically unlikely that the Saxons did hold assemblies of some kind. While Charlemagne's conquest did undoubtedly bring changes to Saxony, it cannot have obliterated all traces of native organization. The new order seems to have depended on interlocking with existing institutions such as assemblies to discipline Saxony.¹²

It was not, however, a case of business as usual. The setting up of the Carolingian kingdom in the east resulted in a massive expansion in the scale and nature of assemblies as they became royal and, indeed, imperial. Regensburg, for example, was no longer a focus merely for the followers of the Agilolfing dukes, but saw Charlemagne himself hold court there almost continuously from the winter of 791 to the autumn of 793 to muster and launch his armies against the Avars. Magnates from all over the Carolingian empire streamed there, and the business of the assemblies was not simply military, as the ranks of these magnates included bishops from beyond the Alps who sat in judgement on heresy.¹³

In Saxony, the transformation was even more spectacular. The importing of the full-blown and fully functioning apparatus of royal assemblies can best be seen in Paderborn. Charlemagne held an assembly there in 777, one attended by Franks, Saxons, and envoys from distant Spain. All this, with the Christian baptism of many Saxons, made Paderborn a show-place for the new royal power that was from now on to dominate.¹⁴ This assembly at Paderborn was not a demonstration that a new order actually existed in Saxony, but was rather another way of trying to establish that order. Charlemagne unfortunately took it for the former rather than the latter and, tempted by the prospects for adventure in Spain set out by the Spanish envoys, allowed himself to be dazzled by his own ceremonies at Paderborn into thinking that his hold on Saxony was secure. The Saxons, however, had not been so dazzled, and the king's absence and troubles in Spain gave them the opportunity to try again to cast off the Frankish yoke.¹⁵ The intended

¹¹ Ian Wood, *The Missionary Life: Saints and the Evangelisation of Europe 400–1050* (Harlow, 2001), pp. 115–16.

¹² See Charlemagne's 797 capitulary for Saxony, No. 27, cc. 1 and 4, in *Capitularia regum Francorum*, vol. I, ed. by Alfred Boretius, MGH Capit., I (Hannover, 1883), pp. 71–72, cited and discussed by Mayr-Harting, 'Charlemagne, the Saxons and the Imperial Coronation', p. 1116.

¹³ Brühl, *Palatium und Civitas*, p. 224; Roger Collins, *Charlemagne* (Basingstoke, 1998), p. 132.

¹⁴ *Annales Regni Francorum*, s.a. 777, ed. by Friedrich Kurze, *Annales regni Francorum inde ab a. 741 usque ad a. 829, qui dicuntur Annales Laurissenses maiores et Einhardi*, MGH SS rer. Ger., 6 (Hannover, 1895), p. 48; English translation by Paul David King, *Charlemagne: Translated Sources* (Kendal, 1987), p. 113.

¹⁵ *Annales Regni Francorum*, s.a. 778, pp. 50, 52; King, *Charlemagne: Translated Sources*, pp. 79–80.

meaning of the ceremonies at the Paderborn assembly had been not so much contested as flatly denied.

None the less, the form and apparatus of Frankish royal assemblies were ultimately established in the new territories. After all, in 799 no less a personage than the pope found himself in Paderborn to meet the Frankish king. Troubles in Rome had driven Pope Leo III (795–816) north to seek refuge and help from Charlemagne, events that were to lead to Charlemagne's imperial coronation by Leo in Rome in 800.¹⁶ It was not surprising that the pope should turn to such a protector. It was, however, surprising that the pope should meet him far in the north-east of the Frankish realm in Paderborn. Charlemagne deliberately chose Paderborn as the site of the meeting. He had himself been planning to travel there in the summer of 799 to participate in the dedication of a new church 'of wonderfully great size' which he had had built there. Thus, Charlemagne could be seen to be greeting the highest spiritual authority in the west in a christianized landscape that had only been recently won from paganism by himself, the greatest Christian warrior of the west.¹⁷

The meeting at Paderborn actually took place after Charlemagne had held the 'general assembly' of the kingdom. There had been a general assembly at Lippeham on the Rhine, and then the king had moved on to Paderborn, sending his son off with part of the army further east.¹⁸ The meeting between Charlemagne and the pope stretched from July to October and has to be seen as a special type of assembly. We need not see this whole time as an assembly, though it is tempting to see it as an assembly unfolding in slow motion, so to speak. The comings and goings of the pope, princes, high-ranking ecclesiastics, and envoys fit precisely Reuter's definition of an assembly as an expanding of the ruler's entourage.¹⁹ A particularly striking feature of this assembly is

¹⁶ Discussion of the coronation and the substantial recent literature in Matthias Becher, 'Die Kaiserkrönung im Jahre 800: Eine Streitfrage zwischen Karl dem Grossen und Papst Leo III.', *Rheinische Vierteljahrsblätter*, 66 (2002), 1–38.

¹⁷ *Annales Regni Francorum*, s.a. 799, pp. 106–09; *Annales Laureshamenses*, s.a. 799, ed. by Georg Heinrich Pertz, in *Annales et chronica aevi Carolini*, ed. by Georg Heinrich Pertz and others, MGH SS, 1 (Hannover, 1826), p. 38; King, *Charlemagne: Translated Sources*, pp. 91–92, 129–30, 143. Full discussion in Lutz von Padberg, 'Das Paderborner Treffen von 799 im Kontext der Geschichte Karls des Grossen', in *De Karolo rege et Leone papa: Der Bericht über die Zusammenkunft Karls des Grossen mit Papst Leo III. in Paderborn 799 in einem Epos für Karl den Kaiser*, ed. by Wilhelm Hentze, Studien und Quellen zur Westfälischen Geschichte, 36 (Paderborn, 1999), pp. 9–103 (pp. 56–57), and Manfred Balzer, 'Paderborn: Zentralort der Karolinger im Sachsen des späten 8. und frühen 9. Jahrhunderts', in *799: Kunst und Kultur der Karolingerzeit: Karl der Grosse und Papst Leo III. in Paderborn: Katalog der Ausstellung Paderborn 1999*, ed. by Christoph Stiegemann and Matthias Wemhoff, 3 vols (Mainz, 1999), I, 116–23 (pp. 119–20).

¹⁸ *Annales Regni Francorum*, s.a. 799, p. 107; Balzer, 'Paderborn: Zentralort der Karolinger'.

¹⁹ Reuter, 'Assembly Politics', p. 435; Padberg, 'Das Paderborner Treffen', pp. 57–58, on the length of the meeting.

the role of the army. As we have seen, Charlemagne's going to Paderborn in 799 took place in a military context. He had previously mustered an army there in 783 and had set out from there on a military progress in 785, after holding a general assembly.²⁰ If the poem *Karolus Magnus et Leo Papa* can be trusted here, and there seems little reason not to do so, the army played a key role in the ceremonial greeting of Pope Leo in 799. This poem tells how Charlemagne, on hearing the news that Leo's arrival is imminent, urges his followers to arm themselves. They duly bustle about, donning armour, mounting horses, raising banners, sounding trumpets, and forming a circle of mounted warriors, in the midst of which is the king, resplendent in a golden helmet and mounted on a mighty horse. Leo is greeted by the clergy and the army in a great performance of salutations and prayers. Thus, the army is a key actor in these ceremonies and we are told that Leo was much impressed by its weaponry.²¹ But the warriors were spectators as well as actors and formed an audience for ceremonies designed to display the status of pope and king and their relationship, and thus to convince any waverers in the host of the righteousness of prospective intervention in Rome, if matters should come to that.²² The ceremonies at Paderborn did not so much reflect a consensus as create one whose significance would only become clear in retrospect once Charlemagne's momentous trip to Rome had been decided on.

This presence of the army brings us to some general points on the nature of assemblies and on problems of approach and definition. First, there is an overlap between armies and assemblies, seen most obviously in the institution of the Marchfield.²³ The army could be a political audience, as at the famous swearing of the oaths of Strasbourg in 842 where the context in Nithard's (c. 800–44) contemporary account of the ceremony and its aftermath is military, and masculine; assemblies were predominantly male affairs.²⁴ Although Carolingian rulers may have tried to avoid campaigning or summon

²⁰ *Annales Regni Francorum*, s.a. 783 and s.a. 785, pp. 64, 68, 70; King, *Charlemagne: Translated Sources*, pp. 82–83.

²¹ *Karolus Magnus et Leo Papa*, in *Poetae Latini aevi Carolini (I)*, ed. by Ernst Dümmler, MGH Poetae Latini medii aevi, 1 (Berlin, 1881), pp. 367–79, and ed. with German trans. by Franz Brunhölzl in *Karolus Magnus et Leo Papa*, ed. by Joseph Brockmann, Quellen und Studien zur westfälischen Geschichte, 8 (Paderborn, 1966), pp. 57–97, reprinted as supplement to *De Karolo rege et Leone papa*; reference is made to this reprint: *Karolus Magnus et Leo Papa*, lines 463–536, pp. 42–46. The poem's account of the assembly, together with that of other sources, is discussed by Achim Thomas Hack, 'Das Zeremoniell des Papstempfanges 799 in Paderborn', in 799: *Kunst und Kultur der Karolingerzeit*, III: *Beiträge zum Katalog der Ausstellung*, 19–33 (pp. 22–28); see also Michael McCormick, 'Paderborn 799: Königliche Repräsentation-Visualisierung eines Herrschaftskonzepts', *ibid.*, pp. 71–81.

²² McCormick, 'Paderborn 799', pp. 74–78.

²³ Reuter, 'Assembly Politics', p. 435.

²⁴ Nithard, *Histoires*, III, c. 5 and III, c. 6, ed. by Philippe Lauer, *Histoire des fils de Louis le Pieux*, Les classiques de l'histoire de France au moyen âge, 7 (Paris, 1926), pp. 100–08, 110–12. Warriors and churchmen displayed contrasting masculine roles in assemblies; on the dubious

ing the host in Lent, as Garrison has reminded us, the military rhythms of assemblies could cut across the rhythm of the liturgical calendar. In 872 Louis the German (840–76) held an assembly in the middle of Lent which included an oath-taking ceremony. His sons took an oath to be faithful to their father and did so ‘in sight of the whole army’.²⁵ Later, a hostile annalist described the 882 alliance of Charles the Fat (876–88) with the Viking leader Godefrid as ‘a shame inflicted on the army’. The audience that Charles sought to impress and reach with this ceremony of alliance becomes, for the annalist, the key institution whose degradation symbolizes the wider disgrace of the kingdom of the Franks.²⁶

Nor was the army simply a passive spectator. It was by the ‘enraged judgement of Arnulf’s army’ that the rebel Count Ambrosius was hanged in 894 in Italy.²⁷ One recalls here how the king and the host pronounced Earl Swegn to be *nothing*, a scoundrel and outlaw, in England in 1049.²⁸ Thus, Carolingian armies could have an active political dimension and a cultural one too as witnessed, for example, in the manuscript of saints’ lives copied out by a scribe from Regensburg who accompanied the army on campaigns against the Avars in the summer of 819.²⁹ Armies, let alone assemblies, were not purely secular.

The full significance of the role of the army in Carolingian political culture awaits further study, but if assemblies and armies could overlap, they could also remain distinct. When Louis the Pious (814–40) summoned an assembly to meet at Nijmegen during the troubles of 830–31, Abbot Hilduin of St. Denis turned up in military array (‘hostiliter’) when this had been forbidden, and an angry Louis packed him off to spend

nature of the evidence that has been thought to show that contemporaries worried about women speaking up at public assemblies, see Janet L. Nelson, *The Frankish World, 750–900* (London, 1996), pp. 202–03.

²⁵ *Annales Fuldenses*, s.a. 872, ed. by Friedrich Kurze, *Annales Fuldenses sive Annales regni Francorum orientalis*, MGH SS rer. Ger., 7 (Hannover, 1891), p. 75 (hereafter *AF*); with English trans. in *The Annals of Fulda*, ed. by Timothy Reuter, *Manchester Medieval Sources* (Manchester, 1992), p. 67; on the shifting of the March gathering of troops to May to avoid Lent, Mary Garrison, ‘The Franks as the New Israel? Education for an Identity from Pippin to Charlemagne’, in *The Uses of the Past in the Early Middle Ages*, ed. by Yitzhak Hen and Matthew Innes (Cambridge, 2000), pp. 114–61 (p. 135).

²⁶ *AF*, s.a. 882, p. 99; Reuter, *Annals of Fulda*, p. 93; Janet L. Nelson, ‘Bad Kingship in the Earlier Middle Ages’, *Haskins Society Journal*, 8 (1996), 1–26 (p. 18).

²⁷ *AF*, s.a. 894, p. 124; Reuter, *Annals of Fulda*, p. 127.

²⁸ *Anglo-Saxon Chronicle ‘C’*, s.a. 1049, in *English Historical Documents*, vol. II, 1042–1189, trans. by David C. Douglas and George W. Greenaway, 2nd edn (London, 1981), p. 113.

²⁹ This is MS Brussels, Bibliothèque Royale 8216–18; David Ganz, ‘Book Production in the Carolingian Empire and the Spread of Caroline Minuscule’, in *The New Cambridge Medieval History*, ed. by McKitterick, II, 786–808 (p. 792).

the winter in a tent in Paderborn.³⁰ Similarly, Arnulf's encountering Charles the Fat in 887 with a strong force was not a simple response to the latter's summons to an assembly in Tribur, but a declaration of hostile intent towards Charles, with the instrument to carry it out.³¹ In these cases, armed followers had not been foreseen as participants in the envisaged assemblies.

All this means that assemblies can sometimes be rather difficult to define. Of course, assemblies could be formally announced and generally expected; but variety of terminology, problems of definitions posed by our sources, and the flexibility of contemporary practice means that, even for the Carolingian period, where assemblies may be a more clear-cut phenomenon than in the Ottonian era, we cannot improve on Reuter's statement that 'we are dealing with [an assembly] whenever the ruler had in his presence a substantial amount of people who were not permanent members of his entourage'.³² Sources are not always clear in labelling assemblies as such, and the status of meetings as assemblies has sometimes to be deduced by historians as, for example, for the gatherings held at Frankfurt in 892 and 951.³³ Of course, assemblies could have a clear status: Otto I's anger at the failure of some rebellious nobles to attend an assembly in 938 suggests no fuzziness of definition and expectation about assemblies on his part.³⁴ Still, there are severe limits to our knowledge. We know, for example, that in 897, at a time of great trouble for his rule, the east Frankish ruler Arnulf held at least three assemblies, in Regensburg, Worms, and Tribur, but we do not know anything of the agenda for the last meeting of this important series.³⁵

³⁰ Astronomus, *Vita Hludowici Imperatoris*, c. 45, ed. by Ernst Tremp, *Thegan, Die Taten Kaiser Ludwigs (Gesta Hludowici imperatoris) – Astronomus, Das Leben Kaiser Ludwigs (Vita Hludowici imperatoris)*, MGH SS rer. Ger., 64 (Hannover, 1995), pp. 460–63 (I follow here Tremp's translation).

³¹ *AF*, s.a. 887, p. 106; Reuter, *Annals of Fulda*, p. 103. On the behaviour of the political actors on this occasion, see Althoff, *Spielregeln*, p. 252, and Matthias Becher, 'Cum lacrimis et gemitu: Vom Weinen der Sieger und der Besiegten im frühen und hohen Mittelalter', in *Formen und Funktionen öffentlicher Kommunikation im Mittelalter*, ed. by Althoff, pp. 25–52 (pp. 47–50).

³² Reuter, 'Assembly Politics', p. 435, and see p. 433 for the variety of contemporary terminology for 'assembly'. The term 'entourage' can itself be variously defined; see Philippe Depreux, *Prosopographie de l'entourage de Louis le Pieux (781–840)*, *Instrumenta*, 1 (Sigmaringen, 1997), pp. 1–7.

³³ Elsbet Orth (with Michael Gockel and Fred Schwind), 'Frankfurt', in *Hessen, Die deutschen Königspfalzen: Herausgegeben vom Max-Planck-Institut für Geschichte*, 1.2–4 (Göttingen, 1985–96), pp. 225, 232–33.

³⁴ Widukind, *Res Gestae Saxonicae*, II, c. 10, ed. by Paul Hirsch and Hans-Eberhard Lohmann, *Die Sachsengeschichte des Widukind von Korvei (Widukindi monachi Corbeiensis Rerum gestarum Saxoniarum libri III)*, MGH SS rer. Ger., 60 (Hannover, 1935), p. 74.

³⁵ *AF*, s.a. 897, pp. 130–31; Reuter, *Annals of Fulda*, pp. 136–37.

Most of what was said at such assemblies remains unknown to us. This is partly because of our lack of east Frankish capitularies, though we know that kings such as Louis the German did issue them, for example, at an assembly at Erfurt in 852.³⁶ But much of the essential business of assemblies may not have been recorded anyway. The discussions that went on escape us, and there surely was some discussion, even if assemblies were 'staged'. Kings, their warriors, and their bishops all talked; some kings thought that their bishops talked too much. It is hard to believe that the prepared ceremonies (declaration of the royal will, acclamations, receptions of envoys etc.) were all that contemporaries understood the experience of assemblies to be, even if we have to accept that sometimes assemblies could be essentially liturgical in nature.³⁷ There has been much work on orality and literacy in the early medieval world, but we still need more work on early medieval conversations, or rather, on the different registers employed by political actors in their encounters. As Nelson has reminded us, the fact that the west Frankish king Louis the Stammerer (877–79) actually did have a stammer, mattered to contemporaries.³⁸ It is here that Althoff's work is especially valuable. His survey of the 'secret' meetings that preceded and accompanied assemblies shows that the former were characterized by a special sort of speaking. The best known example of such frank arguments and fierce remarks comes from the tense encounter between Margrave Ekkehard of Meissen and Margrave Liuthar, when the former was hoping to gain the throne after the death of Otto III in 1002. The Saxon magnates had gathered and Ekkehard was hoping that his candidacy would be successful. Liuthar, however, drew the leading men aside for a 'secret session' ('secretum [...] colloquium') and got them to agree to postpone any decision on the succession until a later meeting at the Saxon assembly site of Werla. This angered Ekkehard who demanded to know what Liuthar had against him. Liuthar's reply is really the eleventh century's tonal equivalent to our 'You just don't get it, do you?' Drawing attention to Ekkehard's flaws, he replied, 'Don't you understand that your cart lacks its fourth wheel?'³⁹ Althoff is surely right to

³⁶ *AF*, s.a. 852, p. 43; Reuter, *Annals of Fulda*, p. 34, and n. 10; Reuter, *Germany in the Early Middle Ages*, pp. 85–90.

³⁷ A point stressed by Reuter, 'Assembly Politics', pp. 437–38.

³⁸ Nelson, 'Kingship and Royal Government', p. 420; on gestures and emotional speech in gatherings in Carolingian Lotharingia, see Stuart Airlie, 'Private Bodies and the Body Politic in the Divorce Case of Lothar II', *Past and Present*, 161 (1998), 3–38 (pp. 29–30). On orality and literacy, with a wide range of references, see Matthew Innes, 'Memory, Orality and Literacy in an Early Medieval Society', *Past and Present*, 158 (1998), 3–36, and for the problem of legislation, written documents and the spoken royal word, Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (Oxford, 1999), p. 50.

³⁹ Thietmar of Merseburg, *Chronicon*, IV, c. 52, ed. by Robert Holtzmann, *Die Chronik des Bischofs Thietmar von Merseburg und ihre Korveier Überarbeitung (Thietmari Merseburgensis episcopi Chronicon)*, MGH Scriptores rerum Germanicarum, Nova series, 9 (Berlin, 1935), p. 190, and in English translation in David Warner, *Ottoman Germany: The Chronicon of Thietmar of Merseburg*, Manchester Medieval Sources (Manchester, 2001), p. 189; the remark may be

argue that this sort of taunt, explosive if uttered in public, could only be made in private. It does not necessarily follow, however, that all utterances and behaviour in the 'public' part of assemblies could always be controlled and predicted. The idea of secrecy itself is in fact not straightforward. Chafing at his father's stern authority, prince Louis the Younger held a 'secret meeting' in Francia ('secretum colloquium') with some of his father's counsellors in 874. However, the news of this meeting leaked out and was alarming enough to bring the father, Louis the German, all the way from Bavaria to Francia.⁴⁰ Surely the 'secret' meeting had been designed to be leaked to warn the father to heed the son's rising discontent. Categories could leak into one another; the secret was here the public.

If much of the detail of agenda and proceedings at assemblies eludes us, we also cannot even be sure of who attended. Of course, we know that magnates were meant to attend and that to refuse to obey a summons to an assembly was dangerous. We know that numbers at some assemblies must have been quite high. A meeting of three Carolingian kings in 862 was attended by at least two hundred bishops, abbots, and nobles, who would have had their own followers.⁴¹ Trying to find out exactly who attended assemblies can be a frustrating business. As Depreux has shown, even for the reign of Louis the Pious (814–40, a better-documented reign than those of the east Frankish kings) we do not know who was summoned to assemblies, how summonses were issued, how assemblies were announced, etc.⁴² Some sense of the limits to our knowledge as far as Carolingian east Francia is concerned can be gained from the great survey of the palace of Frankfurt by Orth. Some thirty-one assemblies were held at Frankfurt between 794 and 893. Thanks to Orth's survey, we can calculate how many named individuals can be seen from the sources to have attended these meetings. Not counting the kings themselves, we get a rough total of 202.⁴³ This total includes members of the royal

referring to Ekkehard's family or to his lack of one of the four cardinal virtues. On this meeting, see Althoff, *Spielregeln*, pp. 170–71.

⁴⁰ *AF*, s.a. 874, pp. 81–82; Reuter, *Annals of Fulda*, pp. 73–74, and see discussion in Paul Edward Dutton, *The Politics of Dreaming in the Carolingian Empire* (Lincoln, 1994), pp. 221–22.

⁴¹ Carlrichard Brühl, *Fodrum, Gistum, Servitium Regis*, 2 vols (Cologne, 1968), I, 70–71; Nelson, 'Kingship and Royal Government', p. 419.

⁴² Philippe Depreux, 'Lieux de rencontre, temps de négociation: quelques observations sur les plaids généraux sous Louis le Pieux', in *La royauté et les élites dans l'Europe carolingienne*, ed. by Régine Le Jan (Lille, 1998), pp. 213–31.

⁴³ These figures are derived from Orth's surveys of royal stays at Frankfurt and the holding of meetings and assemblies there (Orth, 'Frankfurt', pp. 178–225 and 334–37). Orth's remarks ('Frankfurt', pp. 223–24) on attendance at the 889 meeting require correction if the date of the Fulda charter she discusses is indeed to be changed to 894; see Gerd Althoff, *Amicitiae und Pacta: Bündnis, Einung, Politik und Gebetsgedenken im beginnenden 10. Jahrhundert*, MGH *Schriften*, 37 (Hannover, 1992), pp. 248–51, and Matthew Innes, *State and Society in the Early Middle Ages: The Middle Rhine Valley, 400–1000* (Cambridge, 2000), p. 232, n. 231.

family, churchmen, vassals, scribes, envoys. If we have 202 known individuals for thirty-one assemblies, we have an average figure of between six and seven known individual participants per assembly.⁴⁴ To say that our information lacks precision is to understate the case.

What do we know? What did go on at these assemblies? To stick with Frankfurt for the moment, we can see that a palace there provided a site and focus for assemblies and in doing so acted as a concrete symbol, an objective embodiment of royal authority. Palaces existed and functioned in the landscape even when the king was not there. If he was absent, his queen might be in residence, as Charlemagne's wife Fastrada probably was in 793–94. Fiscal officials operated near Frankfurt whether the king was there or not. Substantial economic resources were poured into the palace, as when Louis the Pious had new buildings erected in the 820s.⁴⁵ Many power-holders of the east Frankish realm would have had cause to visit Frankfurt; around thirty assemblies were held there between 855 and 893. As well as simply existing as a maintained symbol of royal authority and a focus of royal resources in the landscape, Frankfurt would have also existed in the memory and mind-set of those assembly participants. It is no surprise to find it described by the chronicler Regino (c. 840–915) at the close of the Carolingian period as the 'principal seat of the eastern kingdom'.⁴⁶ As such, it existed in a royal landscape where kings could initiate dynamic developments.

We can confirm this impression if we look south of Frankfurt to Bürstadt, lying east of the Rhine between Worms and Lorsch. Unlike Frankfurt, Bürstadt did not possess a particularly elaborate palace complex. Nor was it a regular assembly site; only one assembly is recorded as taking place there in the reign of Louis the German (840–76).⁴⁷ What Bürstadt did have was a good location for communications, and much room. Broad meadows stretched from the royal hall and church to the river Rhine. This provided a good space for mustering armies, whether in Charlemagne's time or during the Second Crusade.⁴⁸ More significantly, from our point of view, such space could be not simply physically necessary, but also politically or diplomatically so. It was on the

⁴⁴ Even if some persons attended more than one assembly, the number of identifiable persons participating remains staggeringly low.

⁴⁵ Janet L. Nelson, 'The Siting of the Council at Frankfurt: Some Reflections on Family and Politics', in *Das Frankfurter Konzil von 794*, ed. by Rainer Berndt, 2 vols (Mainz, 1997), I, 149–65 (pp. 160–61), reprinted in eadem, *Rulers and Ruling Families in Early Medieval Europe* (Aldershot, 1999); Stuart Airlie, 'Bonds of Power and Bonds of Association in the Court Circle of Louis the Pious', in *Charlemagne's Heir*, ed. by Peter Godman and Roger Collins (Oxford, 1990), pp. 191–204 (p. 199); Orth, 'Frankfurt', pp. 160–67.

⁴⁶ Orth, 'Frankfurt', pp. 335–37; Regino, *Chronicon*, s.a. 876, ed. by Friedrich Kurze, *Reginonis abbatis Prumiensis Chronicon cum continuatione Treverensi*, MGH SS rer. Ger., 50 (Hannover, 1890), p. 111.

⁴⁷ Michael Gockel, 'Bürstadt', in *Hessen, Die deutschen Königspfalzen*: Herausgegeben vom Max-Planck-Institut für Geschichte, 1.1 (Göttingen, 1983), pp. 62–73.

⁴⁸ Gockel, 'Bürstadt', pp. 72–73.

meadows by Bürstadt in May 984 that Duke Henry ‘the Quarrelsome’ met supporters of the child Otto III (983–1002) to try to win them to his side in the dispute over the succession to the boy’s father Otto II (973–83). We do not know how many people attended these negotiations, but we know that the negotiations themselves were tense, and we are told that Henry did not relish the prospect of combat. This suggests that Otto III’s supporters were there in force and Henry himself had probably travelled there with supporters from Bavaria. The open space was necessary here for these wary rivals, and their debate was real.⁴⁹

This open space was surely among the resources of Bürstadt that appealed to Louis the German when he held an assembly there in the spring of 873. Here he received envoys from the Danes and Slavs and, more significantly, his sons Louis and Charles (the Fat) heard cases and gave judgements, and Louis the German himself gave judgement in some cases. One suspects that it was the great spaces of Bürstadt that allowed this multiple display of Carolingian lordship, a display of hierarchy and harmony rendered even more impressive as it followed directly on the young Charles’s breakdown in Frankfurt earlier in the year and from earlier squabbles between the old king and his sons.⁵⁰ And all this was rigged up out of the blue, as it were. Louis the German had visited Bürstadt in 870, but that was a ‘liturgical’ visit to celebrate Pentecost. No assembly had been held in Bürstadt before 873, as far as we know, and there was no great palace complex at the site. Louis the German’s ability to take such a site and activate it so that it could sustain a full-scale assembly shows something of the royal political creativity made possible by the existence of a *Königslandschaft*.⁵¹

It remains difficult to decide whether those members of the aristocracy who were gathered at Bürstadt were more impressed by this apparent harmony of the royal house or by its tensions behind the scenes, more impressed by Louis the German’s fatherly supremacy or by the sons’ flexing of their political muscles. It is important to realize how ambiguous such carefully stage-managed scenes could remain. Kings and their immediate counsellors could certainly act as producers or directors of assemblies, but they could not always control audience response. Even such an experienced manager as Louis the German could get it wrong on occasion. The year 871 saw a flare-up of rebellion led by his sons. After tough negotiations in February, the king and his sons agreed on an armistice and to meet at Tribur in May. Here Louis asserted his authority by blinding a vassal of Count Henry, an ally of his sons. But Louis had miscalculated.

⁴⁹ Thietmar, *Chronicon*, IV, c. 4, p. 134, and for the uneasy meeting a few months later between Otto and Henry here, *Chronicon*, IV, c. 8, p. 140; Warner, *Ottoman Germany: The Chronicon of Thietmar*, pp. 151–52, 155; Gockel, ‘Bürstadt’, pp. 66, 68–69, 72–73.

⁵⁰ *AF*, s.a. 873, pp. 77–78; Reuter, *Annals of Fulda*, pp. 69–70; Arnold, *Medieval Germany*, pp. 130–31.

⁵¹ Gockel, ‘Bürstadt’, pp. 65, 69, 72. The landscape around Bürstadt was of course not simply a void, to be filled by the royal will; on local landowners, see Michael Gockel, *Karolingische Königshöfe am Mittelrhein*, Veröffentlichungen des Max-Plancks-Instituts für Geschichte, 31 (Göttingen, 1970), pp. 232–312, and Innes, *State and Society in the Early Middle Ages*, p. 107.

His sons were not intimidated and, outraged, they refused to attend the meeting in Tribur. Louis had to travel south to Gernsheim to meet them and patch things up by making concessions.⁵² One assumes that the blinding of Count Henry's vassal had been intended as a set-piece demonstration of Louis's authority after the sons had challenged it, and thus to act as a severe message to these sons while they were on their way to Tribur. But it had misfired badly and Louis had to abandon the stage at Tribur for a more improvised encounter. Assemblies could be fluid, their outcomes could be argued over, and a net of urgent communications could be woven around them. We do not know how the sons were informed of the blinding of the vassal; had swaggering envoys from their father been sent to them to announce this menacing act, or had furious supporters of their own rushed from Tribur to stoke the fires of outrage? Either way, Louis's demonstration had failed.

Rumours could sweep assemblies, as at Frankfurt in 885; kings' performances at assemblies could be reviewed with a critical eye as in the *Annals of Fulda's* noting that Charles the Fat 'passed decrees of little use' at the Worms assembly of 882.⁵³ The assembly held by Arnulf at Forchheim in 889 saw consensus over the succession being displayed by recalcitrant nobles eventually 'giving their right hands'. This was subject to reservations, however, and the arguments leading to the hard-won compromise seem to have taken place at the assembly itself, not at a secret meeting.⁵⁴ Participants here would surely have placed differing weight on the various aspects of the succession agreement, depending on their views. Assemblies were not monolithic. Assemblies could reveal weakness and danger. In 897, Arnulf held an assembly at Regensburg and, according to the *Annals of Fulda*, 'because of his illness decided to spend the winter in Bavaria in hidden places' ('secretis locis'). Presumably, the failure to alert people to the details of the royal itinerary was itself news here. What should have been public had become secret; the secret of royal weakness was now public.⁵⁵

These examples need not, apart from that of Arnulf in 897, be seen as illustrations of royal weakness. But they do illustrate something of the need for royal authority to be negotiated and, above all, of the active role played by assemblies in this process. This can also be seen in Ottonian Germany, where the apparatus of royal government was much lighter than in the Carolingian kingdom. This need not mean, however, that royal authority was weak. A king such as Otto I (936–73) was a dangerous man to defy, and Otto III ruled with real glamour. Nor were all Carolingian practices abandoned. It is well known that Ottonian rulers spent more time in Saxony than in other parts of their realm,

⁵² *AF*, s.a. 871, p. 73; Reuter, *Annals of Fulda*, p. 65.

⁵³ *AF*, s.a. 885, s.a. 882, pp. 103, 99; Reuter, *Annals of Fulda*, pp. 98, 93.

⁵⁴ *AF*, s.a. 889, p. 118; Reuter, *Annals of Fulda*, p. 118. On this assembly, see Brigitte Kasten, *Königssöhne und Königsherrschaft*, MGH Schriften, 44 (Hannover, 1997), p. 548, and on the meanings of men giving hands, Karl Leyser, *Communications and Power in Medieval Europe: The Carolingian and Ottonian Centuries*, ed. by Timothy Reuter (London, 1994), p. 191.

⁵⁵ *AF*, s.a. 897, p. 130; Reuter, *Annals of Fulda*, pp. 136–37.

and Saxony was thus governed more intensively than other regions of the Reich, but assemblies continued to be held in what had been the heartlands of earlier Carolingian government, in the Rhine-Main area and lower Lotharingia.⁵⁶ What mattered, then, was not the fact that the itinerary of the Ottonian kings failed to cover the whole of the Reich with equal intensity so much as the fact that magnates of the Reich attended (or did not attend) the assemblies held, and that the king remained in touch with the 'political nation'. In a stimulating article on Ottonian rule, Kränzle has warned us against making a simple equation between royal presence equalling the functioning of royal rule and its absence equalling its breakdown; he has stressed the need to focus on contemporary forms of communication, interaction, and integration.⁵⁷

We can turn to an instructive example of an Ottonian assembly, that at Werla in Saxony in 968. Just north of the more famous later palace of Goslar, which was to become prominent under the Salian rulers, and linked to routes connecting it to important sites such as Gandersheim and Quedlinburg, Werla's roots stretched back into prehistoric times. Perched on a hill, like many palaces of the Reich, Werla was a site enclosing an area with a diameter of some 140 metres with various buildings, one of which was elaborate enough to have a form of underfloor heating. Werla should not be seen, however, as an exclusively royal site. Although Ottonian kings did stay here (some thirteen royal stays are recorded for the Ottonian period), they did not attend the Saxon regional assemblies held here.⁵⁸ The assembly of 968 was held while Otto I was away in Italy. Dukes Hermann and Thiadrich were presiding over the assembly and received a letter that Otto had sent from Italy. In this letter, Otto breathed fire against the Redarii, a Slav people, and urged the Saxons not to make peace with them but to work with Duke Hermann for their destruction. In his *Deeds of the Saxons*, Widukind (c. 925–after 973) tells us that the letter was read out at the assembly in the presence of high and low, but that it was decided to maintain the peace with the Redarii because war with the Danes

⁵⁶ The essential work on Ottonian itineraries and their significance remains E. Müller-Mertens, *Die Reichsstruktur im Spiegel der Herrschaftspraxis Ottos des Grossen* (Berlin, 1980); its findings and methodology are lucidly outlined in John W. Bernhardt, *Itinerant Kingship and Royal Monasteries in Early Medieval Germany, c. 936–1075* (Cambridge, 1993), pp. 60–70, and English-language readers can approach Müller-Mertens first-hand in his 'The Ottonians As Kings and Emperors', in *The New Cambridge Medieval History*, ed. by Reuter, III, 233–66. Leyser, 'Ottonian Government', retains its value.

⁵⁷ Andreas Kränzle, 'Der abwesende König: Überlegungen zur ottonischen Königsherrschaft', *Frühmittelalterliche Studien*, 31 (1997), 120–57 (pp. 124–31).

⁵⁸ Karl Heinemeyer, 'Werla', *Lexikon des Mittelalters*, vol. IX (München, 1998), cols 1–2; Werla is contextualized within a changing landscape of palaces by Bernhardt, *Itinerant Kingship and Royal Monasteries*, p. 140, and Thomas Zotz, 'Die Goslarer Pfalz im Umfeld der königlichen Herrschaftssitze in Sachsen', in *Pfalzen – Reichsgut – Königshöfe*, ed. by Lutz Fenske, *Deutsche Königspfalzen*, 4 (Göttingen, 1996), pp. 248–87 (pp. 259–60). On the location of palaces on hills, Reuter, 'Regemque, quem in Francia pene perdidit', p. 376.

was looming and the Saxon forces did not stretch to fighting two wars.⁵⁹ Otto's express commands were thus flouted and historians have tended to see this as revealing the weakness and limitations of Ottonian government, features exacerbated by the absence of the ruler in Italy. Since it was probably at this very assembly that the son of a noble who had conspired against Otto's life with fatal results was made Bishop of Halberstadt, Werla in 968 does not look like an assembly that was trying to please Otto.⁶⁰

There is, however, another way of looking at it. After all, the Saxons were not being stubbornly contumacious. As far as the military situation was concerned, they were in a better position to assess the dangers of a campaign than the distant Otto was. Perhaps there was some memory among the assembly's participants of how Otto's father Henry I (919–36) had had to secure himself and his followers in Werla in the face of overwhelming military pressure from the east in the 920s. Not all memories of royal stays at Werla pointed to Ottonian military supremacy. Above all, the fact that a letter from Otto in Italy was sent to Saxony and read out at an assembly at Werla shows the governmental machinery of interaction and communication actually working in ways that Kränzle's article should make us sensitive to. Commentators who stress the disobeying of Otto's commands have not paid sufficient attention to the very fact of the letter's existence and to its other contents. The letter announced a variety of political achievements: the imperial coronation of Otto's son Otto (II) at Christmas 967 and Otto (I)'s successful meetings with envoys from Constantinople. Otto further informed the assembly that his wife and son would return to Germany in the summer as indeed he would himself, once he had destroyed the Saracens based at Le Freinet.⁶¹ If Otto's wishes regarding the Redarii were disregarded at Werla, these wishes were not presented in a vacuum. Those present at the assembly heard news of Otto and his family

⁵⁹ The text of the letter is transmitted only in Widukind and thus has to be approached with some caution; Widukind, *Res Gestae Saxonicae*, III, c. 70, pp. 146–48.

⁶⁰ Karl J. Leyser, *Rule and Conflict in an Early Medieval Society: Ottonian Saxony* (London, 1979), p. 25; Bernhardt, *Itinerant Kingship*, pp. 53–54; Gerd Althoff, 'Die Billunger in der Salierzeit', in *Die Salier und das Reich*, vol. I, *Salier, Adel und Reichsverfassung*, ed. by Stefan Weinfurter (Sigmaringen, 1991), pp. 309–30 (pp. 313–14), links the disregarding of the letter and the choosing of the bishop; idem, 'Saxony and the Elbe Slavs in the Tenth Century', in *The New Cambridge Medieval History*, ed. by Reuter, III, 267–92 (p. 270); Kränzle, 'Der abwesende König', p. 145, refers briefly to the letter's being disobeyed at Werla as evidence for the problems of communication. On Duke Hermann's role at Werla in Hildward becoming the new Bishop of Halberstadt, see *Annalista Saxo*, s.a. 968, ed. by Georg Waitz, in *Chronica et annales aevi Salici*, ed. by Georg Heinrich Pertz and others, MGH SS, 6 (Hannover, 1844), p. 122; and on the materials drawn on here by this late source-compilation, see Klaus Naß, *Die Reichschronik des Annalista Saxo und die sächsische Geschichtsschreibung im 12. Jahrhundert*, MGH Schriften, 41 (Hannover, 1996), pp. 117–18.

⁶¹ Widukind, *Res Gestae Saxonicae*, III, c. 70, pp. 146–48; for Henry I's retreat to Werla, Widukind, I, c. 32, p. 45, and for vicissitudes of memory focusing on royal palaces and encounters with the Hungarians, Zotz, 'Die Goslarer Pfalz', pp. 248–50.

and were given a glowing picture of the dynasty's achievements, status, and prospects. They were reassured, or warned, that the formidable ruler and his family would soon return. Furthermore, the nominee for the see of Halberstadt was summoned to Otto in Ravenna so that his loyalty could be tested and confirmed, something that Otto did in dramatic fashion.⁶² To see the assembly at Werla as a site remote from the royal will is to miss a dimension of its broader significance in the structure of the Ottonian Reich. It was a nodal point in a web of negotiations and communications.

The assembly at Werla had not, however, been a royal assembly. Assemblies and associations were bigger than a royal framework. Even dissident and resentful nobles planning to challenge the king had 'official' sites where they could meet and conspire. Saalfeld in the north and Breisach in the south-west are well-known examples. Such horizontal forms of association were a prominent feature of the Reich's political world.⁶³ If assemblies offered this world a mirror in which it could see and understand itself, the royal presence in that mirror was sometimes more suggested than definite. Otto I's physical remoteness from Werla in 968 was a consequence of the imperial dimension to German kingship, a dimension that required regular absence in Italy, particularly in the Ottonian period.⁶⁴ Germany here differed from the west Frankish and Anglo-Saxon kingdoms, even allowing for the Danish dimension to the rule of Cnut (1016–35). Duchies such as Saxony held their own assemblies while the king was absent. Saalfeld and Breisach held assemblies where the king would have been very unwelcome indeed. Disputed successions resulted in assemblies where kings had to be found, as at Frohse and Werla (where division, rather than consensus, was staged) in 1002 and at Kamba

⁶² Thietmar, *Chronicon*, II, c. 20, c. 21, pp. 60–62, wrongly locating the interview in Rome; Warner, *Ottonian Germany: The Chronicon of Thietmar of Merseburg*, pp. 106–07; see Kränzle, 'Der abwesende König', p. 139. On the interview's dark reference to the death of Hildward's father, Leyser, *Rule and Conflict*, p. 33.

⁶³ Gerd Althoff, 'Breisach – ein Refugium für Rebellen im früheren Mittelalter?', in *Archäologie und Geschichte des ersten Jahrtausends in Südwestdeutschland*, ed. by Hans Ulrich Nuber and others, Archäologie und Geschichte: Freiburger Forschungen zum ersten Jahrtausend in Südwestdeutschland, 1 (Sigmaringen, 1990), pp. 457–71; on the site, Helmut Maurer, 'Breisach', in *Baden-Württemberg, Die deutschen Königspfalzen*: Herausgegeben vom Max-Planck-Institut für Geschichte, 3.1 (Göttingen, 1988), pp. 46–62 (pp. 60–61). Althoff's views here have aroused scepticism; see Winfrid Glocker, *Die Verwandten der Ottonen und ihre Bedeutung in der Politik* (Cologne, 1989), pp. 105–09, and Michael Gockel, 'Saalfeld', in *Thüringen, Die deutschen Königspfalzen*: Herausgegeben vom Max-Planck-Institut für Geschichte, 2 (Göttingen, 2000), pp. 465–523 (p. 490). They remain persuasive, however, not least because of Widukind's suggestive labelling of Saalfeld as 'a place of evil council'; Widukind, *Res Gestae Saxonicae*, III, c. 9, p. 109, and cf. Leyser, *Rule and Conflict*, p. 20; also relevant is the broad view of horizontal bonds of association offered in Althoff, *Amicitiae und Pacta*.

⁶⁴ Gerd Tellenbach, 'Kaiser, Rom und Renovatio: Ein Beitrag zu einem grossen Thema', in *Tradition als Historische Kraft*, ed. by Norbert Kamp and Joachim Wollasch (Berlin, 1982), pp. 231–53 (pp. 241, 250–51).

in 1024.⁶⁵ Tricky successions were hardly unique to Germany, but the geographical scale of the Reich, the absence of rulers in Italy, and specific circumstances of the mid- and late eleventh century meant that assemblies could and did become venues where royalty, or at least the king, could be questioned, and where consensus itself could fail to be expressed.

Such developments were accentuated by the events of the reign of Henry IV (1056–1106). After a minority, which ended with a stormy assembly at Tribur where Henry was compelled to dismiss his chief counsellor, Archbishop Adalbert of Bremen (archbishop from at least 1043 until 1072), Henry was engulfed in Saxon revolt and struggles with Pope Gregory VII, struggles that drew in the German princes.⁶⁶ These struggles involved not only fierce fighting but also a series of meetings where disputants gathered and argued hotly the rights and wrongs of their cases. We have some vivid descriptions of such encounters, though Leyser noted that the eloquent deployment of the rhetoric of the Roman historian Sallust (86–34 BC) by contemporary writers can hardly be a transcript of the angry speeches of such enemies of Henry as Otto of Northeim.⁶⁷ These accounts do show that even men as angry as Otto of Northeim continued to take care that their public demonstrations of outrage at Henry were carefully preceded by ‘secret meetings’ to ensure that such outrage did not fall on stony ground.⁶⁸ But the pace of events and the deepening of the political crisis meant that contemporaries had to improvise, to sail in uncharted waters. Men who attended assemblies were now on a very steep learning curve and were taking steps into the unknown. Archbishop Siegfried I of Mainz (1060–84) found himself at an assembly in Worms in 1076 where he joined in Henry’s denunciations of Gregory VII as a false pope, but in little over a year’s time he found himself at the assembly at Forchheim that elected

⁶⁵ Thietmar, *Chronicon*, IV, c. 52, V, c. 3, c. 4, pp. 190, 222, 224; Warner, *Ottoman Germany: The Chronicon of Thietmar*, pp. 188–89, 207–08; Wipo, *Gesta Chuonradi imperatoris*, c. 2, ed. by Harry Bresslau, *Die Werke Wipos (Wiponis opera)*, MGH SS rer. Ger., 61 (Leipzig, 1915), pp. 13–14, with English translation by Theodor E. Mommsen and Karl F. Morrison, *Imperial Lives and Letters of the Eleventh Century*, ed. by Robert L. Benson, Records of Civilization: Sources and Studies. 67 (New York, 1962), pp. 60–61. Wipo describes Kamba (without explicitly naming it) as a place suitable for large numbers of people but as also providing suitable sites for ‘secret’ discussions; his account of the debate over the election surely features ‘public’ divisions, as well as the more confidential ones noted by Althoff, *Spielregeln*, pp. 164–66. Reuter, *Germany in the Early Middle Ages*, pp. 183–91, and Arnold, *Medieval Germany*, pp. 174–79, offer nuanced views of ‘elective’ kingship, but the disputes were real enough.

⁶⁶ Ian Stuart Robinson, *Henry IV of Germany, 1056–1106* (Cambridge, 1999), pp. 59–60, for the fall of Adalbert at the assembly of Tribur; Robinson’s book provides a valuably full survey of the entire reign.

⁶⁷ Karl Leyser, *Communications and Power in Medieval Europe: The Gregorian Revolution and Beyond*, ed. by Timothy Reuter (London, 1994), pp. 51–52, 61–62, and see pp. 24–25 for meetings and assemblies.

⁶⁸ Althoff, *Spielregeln*, pp. 172–73.

Rudolf of Rheinfelden as anti-king to Henry.⁶⁹ Assemblies became the venue for the snapping, rather than the forging, of bonds. Assemblies themselves threatened to disintegrate. During the summer of 1075, assemblies in Saxony became the venues, not for the assertion of a common Saxon identity, but for clashes between the 'common people' ('plebs') and princes as the rebellion's pressures bent the structures of that society.⁷⁰ Henry's reign may have been particularly crisis-ridden, and extreme cases make bad law; yet our brief survey of assemblies in early medieval Germany has shown them to be not mere ceremony, but venues for contest as well as consensus, and channels through which flowed real political articulateness. It was precisely because assemblies could not always be counted on to be meekly governable that made them so important to government of the community.

⁶⁹ Robinson, *Henry IV*, pp. 143–44, 167; analysis of the sources for the proceedings at Forchheim in Walter Schlesinger, 'Die Wahl Rudolfs von Schwaben zum Gegenkönig 1077 in Forchheim', in *Investiturstreit und Reichsverfassung*, ed. by Josef Fleckenstein, Vorträge und Forschungen, 17 (Sigmaringen, 1973), pp. 61–85, and see also Stuart Airlie, 'Thrones, Dominions, Powers: Some European Points of Comparison for the Stone of Destiny', in *The Stone of Destiny*, ed. by David Breeze, Thomas Clancy, and Richard Welander (forthcoming).

⁷⁰ Lampert of Hersfeld, *Annales*, s.a. 1075, ed. by Oswald Holder-Egger, *Lamperti monachi Hersfeldensis Opera*, MGH SS rer. Ger., 38 (Hannover, 1894), p. 228; Robinson, *Henry IV*, p. 101. My thanks to the editors for their patience and suggestions.

Assemblies and Charters in Late Anglo-Saxon England

CHARLES INSLEY

The subject of assemblies in Anglo-Saxon England is one that is not often treated, at least in its own right. Only a few authors, notably Felix Liebermann and Tryggvi Oleson, have sought to examine the nature and function of royal assemblies and councils and, more broadly, what this revealed about the relationship between rulers and political communities.¹ As Reuter has said in a recent article:

Assemblies are a prominent feature of most contemporary accounts of this relationship, yet medievalists are inclined to take them more or less for granted. We are interested in their course and outcomes, but we are rather less interested in their form and function.²

Otherwise, thinking about the role and nature of assemblies, royal, ecclesiastical, or secular, in Anglo-Saxon England has tended to be a side-show to other debates: the strength of English royal power, the nature of state institutions and ideologies in England, or the role of royal law and such like.³ The purpose of this article is to raise

¹ Felix Liebermann, *The National Assembly in the Anglo-Saxon Period* (New York, 1913); Tryggvi Júlíus Oleson, *The Witenagemot in the Reign of Edward the Confessor* (London, 1955).

² Timothy Reuter, 'Assembly Politics in Western Europe From the Eighth to the Twelfth Century', in *The Medieval World*, ed. by Peter Linehan and Janet L. Nelson (London, 2001), pp. 432–50 (p. 433).

³ James Campbell, 'Observations on English Government From the Tenth to the Twelfth Century', *Transaction of the Royal Historical Society*, 5th series, 25 (1975), 39–54; idem, 'Some Agents and Agencies of the Late Anglo-Saxon State', in *Domesday Studies: Papers Read at the Novocentenary Conference of the Royal Historical Society and the Institute of British Geographers, Winchester, 1986*, ed. by James Clarke Holt (Woodbridge, 1987), pp. 201–18; Patrick Wormald, 'The Uses of Literacy in Anglo-Saxon England and its Neighbours', *Transactions of the Royal Historical Society*, 5th series, 27 (1977), 95–114; idem, 'Lex Scripta

some questions about the relationship between the nature of assemblies and the function of charters during the tenth and eleventh centuries. If assemblies were, as Reuter said, a 'prominent part' of the relationship between ruler and political community in Anglo-Saxon England,⁴ to what extent do charters allow us to see this relationship in operation? And how did the language and content of Anglo-Saxon charters reflect the sorts of debates that might have occurred in Anglo-Saxon assemblies?

We might think about assemblies in a variety of ways and, indeed, the word itself is somewhat ambiguous. For instance, were royal councils assemblies? Were assemblies deliberately staged affairs, rather than something more organic or more *ad hoc*? In asking these sorts of questions are we falling into the trap of seeking to apply an institutional framework to something much more fluid? Again, Reuter provides a useful comment:

In practice we can probably not define assemblies more closely than by saying that we are dealing with one whenever the ruler had in his presence a substantial number of people who were not permanent members of his entourage, though there is an element of circularity about that definition which is probably inescapable.⁵

The way historians have approached the issue of assemblies has changed considerably over the last century or so. Nineteenth- and early-twentieth-century historians sought to see the origins of England's modern parliamentary constitution in the pseudo-democratic pre-history of 'institutions' such as the *witan*. A good example is Liebermann, who, in 1913, wrote about the 'national assembly' in the Anglo-Saxon period.⁶ Much more recently the trend has been to see assemblies such as the meeting of the king's council as part of the intricate choreography of state power: the creation of an image of consensus with and within the political elite, simultaneously underpinning the centrality of royal power.

The primary concern here is with the great assemblies of the political nation that we might think of as the king's council or the *witan*, the footprints of which we can see in the surviving charters from the tenth and eleventh centuries. Nevertheless, assemblies could and did operate on different levels. Meetings of shire and hundred courts were assemblies at a lower level: these institutions might be thought of as primarily legal bodies, but they dealt with all manner of business, not just the purely legal (if such a distinction existed in late Anglo-Saxon England). Indeed, in a period in which the power

and *Verbum Regis: Legislation and Germanic Kingship from Euric to Cnut*, in *Early Medieval Kingship*, ed. by Peter Hayes Sawyer and Ian N. Wood (Leeds, 1977), pp. 105–38; idem, 'Aethelred the Lawmaker', in *Ethelred the Unready*, ed. by David Hill, British Archaeological Reports, British Series, 59 (Oxford, 1978), pp. 47–80; idem, *The Making of English Law: King Alfred to the Twelfth Century*, vol. I, *Legislation and its Limits* (Oxford, 1999).

⁴ Reuter, 'Assembly Politics in Western Europe', p. 433.

⁵ Reuter, 'Assembly Politics in Western Europe', p. 435.

⁶ Liebermann, *The National Assembly in the Anglo-Saxon Period*, esp. pp. 4–6.

of the state in the localities was relatively limited, assemblies of local and regional notables must have been the main way of getting things done.⁷

An illustration of the levels at which Anglo-Saxon assemblies might operate is provided by a mortgage surviving from the early eleventh century (c. 1016×1020), in which Bishop Eadnoth of Crediton mortgaged an estate at Creedy Barton, near Crediton, to an individual named Beorhtnoth, for the sum of thirty mancuses of silver.⁸ Strictly speaking, the document is not a mortgage, but a record of a secured loan: Beorhtnoth could keep the land for his lifetime, but after his death the estate would revert to the bishop, although Beorhtnoth could bequeath the debt if it had not been redeemed. The bishop's rather pressing need for ready cash was almost certainly a result of the heavy gelds levied by Cnut in the first years of his reign.⁹ If we are thinking about assemblies, however, the most interesting aspect of this very interesting document is its witness list. Recorded in the subscriptions to the mortgage were the king, both archbishops, the bishops of Crediton, St. Germans, Wells, Sherborne, and Ramsbury, the ealdorman of the south-west, Æthelweard, and the religious communities (*hired*) of Exeter and Crediton. The lease was then promulgated to the town assemblies (*burhwitan*) of the four Devon burhs: Exeter, Totnes, Lydford, and Barnstaple.

There are several ways of viewing this witness list. It seems unlikely that it records one particular gathering: it is a rather curious collection of individuals that requires further inspection. There is the king, then the two archbishops, and the bishops of the south-western sees which bordered Crediton. They are followed by the local ealdorman and the communities of the minsters at Crediton and Exeter. Behind this single witness list there were probably at least two, if not three, distinct occasions. First, the permission for the mortgage was perhaps sought from the king and the senior ecclesiastics, possibly at a much larger assembly. Further meetings may then have occurred in the South-West, involving figures of more local significance: the local bishops and ealdorman, and the religious communities of the institutions most directly affected by the mortgage. This may have taken place at a meeting of the Devon shire court, although the absence of lay witnesses other than Ealdorman Æthelweard is interesting if that was the case. Finally,

⁷ Reuter, 'Assembly Politics in Western Europe', p. 433.

⁸ Peter Hayes Sawyer, *Anglo-Saxon Charters: An Annotated List and Bibliography*, Royal Historical Society, Guides and Handbooks, 8 (London, 1968), No. 1387; *The Crawford Collection of Early Charters and Documents*, ed. by Arthur Sampson Napier and William Henry Stevenson (Oxford, 1895), Nos 9, 77.

⁹ John B. Gillingham, '“The Most Precious Jewel in the English Crown”: Levels of Taxation and Heregeld in the Early Eleventh Century', *English Historical Review*, 104 (1989), 373–84; idem, 'Chronicles and Coins as Evidence for Levels of Tribute and Taxation in Late Tenth- and Early Eleventh-Century England', *English Historical Review*, 105 (1990), 939–50; M. K. Lawson, 'The Collection of Danegeld and Heregeld in the Reigns of Æthelred II and Cnut', *English Historical Review*, 99 (1984), 721–38; idem, '“Those Stories Look True”: Levels of Taxation in the Reigns of Æthelred II and Cnut', *English Historical Review*, 104 (1989), 385–406; idem, 'Danegeld and Heregeld Once More', *English Historical Review*, 105 (1990), 951–61.

the four *burhwitan* were notified of the mortgage, suggesting yet another level of local assembly, that held within the towns. We should be wary of putting too much institutional emphasis on the word *burhwitan*, but it does suggest that by the late tenth and early eleventh centuries there was an urban elite which met to transact business.¹⁰ In addition, the Crediton mortgage underlines the number of levels on which assemblies might convene in the late Anglo-Saxon world, as well as the intersections between centre and locality.

To return to the question of charters and assemblies, the function of assemblies in the late Old English state requires consideration. Were meetings of the royal council genuinely consultative occasions? Did the king listen to the advice of his great magnates, both lay and ecclesiastical, and act on that advice? Did late Anglo-Saxon kings use political assemblies to build consensus within their elite? Or were such councils ruthlessly stage-managed affairs, where the rituals that surrounded such occasions and which created an aura of negotiation, participation, and consent actually masked the brutal *realpolitik* of Anglo-Saxon political life? Sixteen of the surviving charters from the reign of Æthelred II 'the Unready' (978–1016) contain formulas referring explicitly to the consent of the king's great men.¹¹ Were such formulas merely a rhetorical strategy, designed to portray a wise king in the best Old Testament style? Or did they genuinely underline the role played by the advice of the king's councillors, lay and clerical, in the government of the kingdom?

These are large questions, and almost impossible to answer. Ritual and ceremony were clearly more than just camouflage for royal strong-arm politics. They created a context in which dispute and conflict could be managed without matters getting out of hand, as they clearly could do and often did.¹² If there are answers to the questions raised above, it is almost certainly that great Anglo-Saxon assemblies encompassed both a measure of consent and negotiation as well as coercion. Kings had to persuade and seduce as well as cajole and threaten. The role of royal councils and, indeed, of the more local assemblies in the development and dissemination of royal law has been thoroughly studied, notably by Wormald and Keynes. It is clear from what evidence survives of the tenth-century law codes that there was a measure of dialogue between the king, his great

¹⁰ Susan Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, 1977), pp. 91–98; eadem, 'Towns in Domesday Book', in *Domesday Studies*, ed. by Holt, pp. 295–310 (p. 307); James Tait, *The Medieval English Borough* (Manchester, 1936), pp. 124–25.

¹¹ Sawyer, *Anglo-Saxon Charters*, Nos 876, 880, 891, 893–96, 898–99, 909, 911, 912, 937, 942, 944; Pauline Stafford, 'Political Ideas in Late Tenth-Century England: Charters as Evidence', in *Law, Laity and Solidarities: Essays in honour of Susan Reynolds*, ed. by Pauline Stafford, Janet L. Nelson, and Jane Martindale (Manchester, 2001), pp. 68–82 (pp. 73–75).

¹² Reuter, 'Assembly Politics in Western Europe', p. 439; Gerd Althoff, 'Colloquium familiare – colloquium secretum – colloquium publicum: Beratung im politischen Leben des früheren Mittelalters', in his *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde* (Darmstadt, 1997), pp. 157–84.

men, and the elite in the localities over the content and working of law.¹³ As Wormald and Keynes have shown, the legal material which survives from the reign of Athelstan (924/5–39) encompasses royal decrees made on particular occasions at particular assemblies at Grately and Exeter (II and V Athelstan); what may be a record of a meeting of the Kentish shire court addressed to the king (III Athelstan); the record of a meeting at Thundersfield, again held without the king (IV Athelstan); and a meeting of the London peace guild (VI Athelstan).¹⁴ The evidence, such as it is, seems to suggest that the process of making royal law in the tenth century involved a measure of dialogue between the king and his councillors at court, and with the men on the ground in the localities, with the officers of the shire and hundred courts.

Can the same process of dialogue be detected in the surviving charters? To an extent, this question hinges on what the functions of charters were. Were they purely post-fact records of transactions that functioned as rather elaborate and decorative title deeds, or did they have other functions?¹⁵ The starting point for any consideration of late Anglo-Saxon charters is Keynes's seminal work on the charters of Æthelred II.¹⁶ It was Keynes who established that the numerous charters surviving from 956 fell into four groups, based on the composition of their witness lists. Those groups were almost certainly related to four occasions upon which the king's council met.¹⁷ This leads to two important and related conclusions: first, that the witness lists of tenth- and eleventh-century royal charters act as a rough guide to who was present at the king's great assemblies; and second, it establishes that the granting of charters and meetings of the royal council were closely linked. That said, witness-lists are only an imperfect guide to the composition of the great assemblies of the English political nation.¹⁸ The constraints of Anglo-Saxon diplomatic suggest that any one surviving witness list represents a selection made from the people present. Since subscriptions on single-sheet charters were laid out in regular even columns, it is unlikely that everyone in attendance could be represented on the parchment. It is likely that all bishops and ealdormen present were listed, but that a selection was made from the lesser ecclesiastics and

¹³ Wormald, 'The Uses of Literacy'; idem, 'Lex Scripta and Verbum Regis'; Simon D. Keynes, 'Royal Government and the Written Word in Late Anglo-Saxon England', in *The Uses of Literacy in Early Medieval Europe*, ed. by Rosamond McKitterick (Cambridge, 1990), pp. 226–57.

¹⁴ Wormald, 'The Uses of Literacy', pp. 112–13; Keynes, 'Royal Government and the Written Word', pp. 238–41.

¹⁵ Charles L. G. Insley, 'Where Did All the Charters Go? Anglo-Saxon Charters and the New Politics of the Eleventh Century', *Anglo-Norman Studies*, 24 (2002), 109–28 (pp. 111–20).

¹⁶ Simon D. Keynes, *The Diplomas of King Æthelred the Unready 978–1016: A Study in Their Use as Historical Evidence* (Cambridge, 1980).

¹⁷ Keynes, *The Diplomas of King Æthelred the Unready*, pp. 126–34.

¹⁸ Keynes, *The Diplomas of King Æthelred the Unready*, pp. 126–35, 154–62; Reuter, 'Assembly Politics in Western Europe', p. 434.

thegns.¹⁹ What imperatives governed the process of selection it is impossible to say. Evidently some thegns were regular members of the king's court, and perhaps they took precedence in the witness lists over those who attended more infrequently; but it is also possible that the content of the grant in some way governed the selection of the witnesses. Some indication of the uncertainty of witness lists as a tool for looking at the composition of assemblies is provided by two examples. A grant of 1009 to the prominent Danelaw magnate Morcar has an extremely long witness list, well over sixty individuals, many with Scandinavian names, and many of whom only occur in this charter.²⁰ The charter was concerned with land in Derbyshire, and it is possible that the witnesses reflect this northern interest. It also gives us a glimpse of what a large occasion a royal council might have been, with many more people attending than those who generally appear in the witness-lists of charters. A second example is provided by the well-known example of the confirmation of the will of Æthelric of Bocking,²¹ which records that present at the council at Cookham, where Æthelric's will was debated, were 'all the thegns gathered there from far and wide, both West Saxons and Mercians, Danes and English'.²² It is clear, then, that the political nation was on occasion far larger than the surviving charters might suggest.

The witness-lists, though, remain an important element of analyzing the nature and therefore the function of Anglo-Saxon assemblies. But what of the charter itself? The late Anglo-Saxon charter was a complex, multi-faceted document, packing a powerful ideological punch in both its symbolism and its language.²³ Like the law code, the charter had a very real role in the development and dissemination of English royal political and ideological agendas.²⁴ This also tells us something about the nature of the assemblies at which many of these charters were granted: it is possible that, in the often elaborate and obscure language of late Anglo-Saxon charters, we can see, or rather hear, an echo of the dialogue which may have taken place at meetings of the *witan*.²⁵

The remainder of this article examines several tenth-century charters with this question in mind. Three groups of charters immediately suggest themselves for analysis: the

¹⁹ Keynes, *The Diplomas of King Æthelred the Unready*, pp. 156–58.

²⁰ Sawyer, *Anglo-Saxon Charters*, No. 922.

²¹ Sawyer, *Anglo-Saxon Charters*, No. 939; Dorothy Whitelock, *Anglo-Saxon Wills* (Cambridge, 1955), pp. 44–46, 148–51; Keynes, *The Diplomas of King Æthelred the Unready*, pp. 129–30, 148, 161–62; Patrick Wormald, 'A Handlist of Anglo-Saxon Lawsuits', *Anglo-Saxon England*, 17 (1988), 247–82, No. 62.

²² Keynes, *The Diplomas of King Æthelred the Unready*, pp. 161–62.

²³ Insley, 'Where Did All the Charters Go?'

²⁴ Wormald, *The Making of English Law*, pp. 320–45, 430–65; Pauline Stafford, 'The Laws of Cnut and the History of Anglo-Saxon Royal Promises', *Anglo-Saxon England*, 10 (1981), 173–90; M. K. Lawson, 'Archbishop Wulfstan and the Homiletic Element in the Laws of Æthelred II and Cnut', *English Historical Review*, 107 (1992), 565–86.

²⁵ Stafford, 'Political Ideas in Late Tenth-Century England', pp. 75–78, 81–82.

charters ascribed to the scribe known to palaeographers and diplomatists as 'Aethelstan A', those ascribed to his later colleague 'Edgar A', and those charters from the reign of Aethelred II in which the king either apologized for the actions of his ill-guided youth or justified the forfeiture of particular estates.²⁶

In six of Aethelred's charters, the king made restitution for past misdeeds, and thirteen deal with the forfeiture of estates.²⁷ The significant characteristic is that the references to past misdeeds or to the reasons for forfeiture occur in the disposition, in a discussion of the circumstances of the grant. Given that, as suggested earlier, charters were probably granted at what were often large assemblies of the political nation, Aethelred used these very public arenas to justify his present actions and, perhaps more important, apologize for his past ones.²⁸ How this process might have worked is a different matter, and the charters give us few clues. Were the matters referred to in the charters discussed openly? Were they the subject of contentious debate? The attempts by Abingdon abbey to repossess land taken from the monks in the 980s must have made some people uncomfortable and others downright annoyed.²⁹ On the other hand, the discussion of the king's past actions may have been carefully choreographed and orchestrated, with the emendation of his wrongs taking centre stage, rather as modern governments might admit that their targets for the economy or the public services have unfortunately not been met, while simultaneously announcing new initiatives or money to sweeten the pill.

The references in Aethelred's charters may hint at the dynamic in the relationship between the king, his leading counsellors, and the rest of the elite. In two of the charters, Aethelred blamed the poor advice of his counsellors.³⁰ This may have been true, but it may also reflect a situation in which the king's advisors of the 990s, the period in which many of these discursive charters were issued, also used assemblies as more or less public arenas in which to attack the memory and reputations of their predecessors.³¹ Possibly these charters were also a response to criticism of Aethelred himself, made perhaps during these great royal councils. Even allowing for the jaundiced wisdom after

²⁶ Richard Drögereit, 'Gab es eine Angelsächsische Königskanzlei?', *Archiv für Urkundenforschung*, 13 (1935), 335–436; *The Charters of Abingdon Abbey I*, ed. by Susan E. Kelly, Anglo-Saxon Charters, 7 (Oxford, 2000), pp. lxxxiv–cxv; Keynes, *The Diplomas of King Aethelred the Unready*, pp. 95–104; Pauline Stafford, 'The Reign of Aethelred II: A Study in the Limitations on Royal Policy and Action', in *Aethelred the Unready*, ed. by Hill, pp. 15–46; eadem, 'Political Ideas in Late Tenth-Century England', pp. 68–69, 80–82.

²⁷ Sawyer, *Anglo-Saxon Charters*, Nos 876, 877, 883, 885, 886, 891–93, 896, 901, 918, 927, 934, 937, 939, 1501; Keynes, *The Diplomas of King Aethelred the Unready*, pp. 95–104.

²⁸ Stafford, 'Political Ideas in Late Tenth-Century England', pp. 68–70.

²⁹ Sawyer, *Anglo-Saxon Charters*, No. 876.

³⁰ Sawyer, *Anglo-Saxon Charters*, Nos 893, 937; Stafford, 'Political Ideas in Late Tenth-Century England', p. 75.

³¹ Stafford, 'Political Ideas in Late Tenth-Century England', p. 75.

the event of the composer of much of the Anglo-Saxon Chronicle for Æthelred's reign, Æthelred seems to have had his moments of wilfulness, bad judgement, and political miscalculation. What the surviving charters may represent, therefore, is a witness to these events in assemblies, condensed and set down in a discussion of the grant or privilege, but offering an echo of what was thought to have happened.

The 'forfeiture' charters also fit into the context of 'public' justification of particular actions. At several points during his reign, Æthelred acted in an arbitrary fashion regarding outlawry and forfeiture. We might consider the brutal punishment visited upon Ealdorman Ælfhelm and his sons in 1006, or the incarceration in 1015 of Ealdgyth at Malmesbury after the royally sanctioned murder of her husband and brother-in-law, Morcar and Sigeferth.³² It is one thing for a king to act arbitrarily, it is another for him to explain to the *witan* why he had acted as he had. As Wormald and Stafford have both pointed out, forfeiture was a penalty increasingly exploited by kings during the tenth century, especially as pressure on royal landed resources grew during the reign of Æthelred.³³ Statements in charters explaining why an estate had been forfeited might be the response, or the echo of the response by the king, to criticism of his heavy-handed actions.

Forfeiture was, as Stafford has pointed out, inextricably linked to questions of inheritance and, more broadly, to issues of kinship and tensions within the king's own family.³⁴ As a good king, Æthelred had to uphold customary practice when it came to inheritance. Equally, forfeiture of land often cut across the rights of the family or kin-group, the unresolved tension being the extent to which a family could or should be punished for the actions of an individual.³⁵ Forfeiture was also a short-term response to a pressing problem facing Æthelred, that of the need to provide for what was in tenth-century terms a very large royal family, with male children from two marriages, the eldest of whom were reaching adulthood in the closing years of Æthelred's reign. As Stafford points out, land taken from Abingdon in the 980s had been used to provide for the king's sons, and its restoration to the abbey would only have created further problems. Indeed, Abingdon was compensated for its loss, but the lands allocated to the king's sons were not returned.³⁶ The abbey was compensated with forfeited land, as was the king's mother, Ælfhryth († 999×1001).³⁷ The charters dealing with forfeiture, the

³² *The Anglo-Saxon Chronicle*, vol. VI, *MS. D*, ed. by G. P. Gubbin (Woodbridge, 1996), s.a. 1006 and 1015; C. Insley, 'Politics, Conflict and Kingship in Early Eleventh-Century Mercia', *Midland History*, 25 (2000), 28–42 (pp. 29–35).

³³ Wormald, *The Making of English Law*, p. 363; idem, 'Aethelred the Lawmaker', pp. 63–65; Stafford, 'Political Ideas in Late Tenth-Century England', pp. 71–72, 77–79.

³⁴ Stafford, 'Political Ideas in Late Tenth-Century England', pp. 77–79.

³⁵ *Ibid.*, pp. 77–79.

³⁶ *Ibid.*, p. 80.

³⁷ *Ibid.*, p. 72.

provision of lands for the royal family, and the restoration of monastic endowment all offer testimony to debates being aired publicly among the political elite.

Charters, then, during this period of Æthelred's reign were not being merely used to convey or redistribute landed property; they also recorded what were in effect public statements about good kingship and the role of aristocratic counsel. It is possible that these discursive charters and, indeed, all charters referring explicitly to the role of counsel provide the echoes of a dialogue that took place in these assemblies between the king and his elite, negotiating the limits of royal power. At this stage we should not forget the remarkable statement in the Anglo-Saxon Chronicle for 1014 that the *witan* would only accept the king back on condition that he ruled better, remedied abuses, and was a true lord.³⁸ This concern for good kingship can also be detected in the homiletic works of Ælfric (c. 950–c. 1010) and Wulfstan († 1023), and in parts of Æthelred's law code of 1008.³⁹

The other charters to be considered here, those of 'Athelstan A' and 'Edgar A', are perhaps more typical of tenth-century Anglo-Saxon diplomatic, in that they are, generally, not as discursive as those surviving from the reign of Æthelred. Their interest lies in the language and rhetoric of their diplomatic, especially their long and often elaborate proems. In several charters associated with 'Edgar A' the proem was used to articulate a particular royal or dynastic image: a number begin 'annuente altithroni moderatoris imperio albonis triuiatim [. . .]', and explicitly say that rule over all of Albion is by the permission of the Almighty and granted by him to Edgar.⁴⁰ Echoes of this message of the English people's divine election can be seen in Alfred's use of the *Ecclesiastical History* of Bede (c. 637–735) and the Old English *Orosius* (translated during the reign of King Alfred, 871–99).⁴¹ The same Bedan motif of divinely ordained English *imperium* over all of Britain was also deployed extensively in the royal styles used in charters of English kings from Athelstan onwards.⁴² The use of such rhetoric was more

³⁸ *Anglo-Saxon Chronicle*, MS. D, ed. by Gubbin, s.a. 1014; Stafford, 'The Laws of Cnut', pp. 180–83; Wormald, *The Making of English Law*, pp. 361–62.

³⁹ *Die Gesetze der Angelsachsen*, 3 vols, ed. and trans. by Felix Liebermann (Halle, 1898–1916), I, 246–57; Wormald, 'Aethelred the Lawmaker', pp. 49–58; idem, *The Making of English Law*, pp. 330–45; Lawson, 'Archbishop Wulfstan and the Homiletic Element', pp. 573–77.

⁴⁰ Sawyer, *Anglo-Saxon Charters*, Nos 709, 717, 720, 729, 746.

⁴¹ Dorothy Whitelock, 'The Prose of Alfred's Reign', in *Continuations and Beginnings: Studies in Old English Literature*, ed. by Eric Gerald Stanley (London, 1966), pp. 67–103 (p. 90); *The Old English Orosius*, ed. by Janet M. Bately, EETS, S.S., 6 (Oxford, 1980), p. xciv.

⁴² Patrick Wormald, 'Bede, the *Bretwaldas* and the Origin of the *Gens Anglorum*', in *Ideal and Reality in Frankish and Anglo-Saxon Society*, ed. by Patrick Wormald, Donald Bullough, and Roger Collins (Oxford, 1983), pp. 99–129; idem, 'Engla Lond: The Making of An Allegiance', *Journal of Historical Sociology*, 7 (1995), 1–24; idem, 'The Making of England', *History Today*, 44 (1995), 26–33.

about creating a particular image for kings such as Athelstan and Edgar among their own aristocracy than about making concrete statements about the power of the kings.

The themes of other proems used in tenth-century charters are less obviously political. Nevertheless, they articulate above all two specific themes: the need to secure salvation by the giving of alms, and the need to record the decisions of men for posterity. These ideas are expressed in a variety of ways and in different language, but the centrality of the message remains clear. One might argue that the idea that man's earthly existence was miserable and transitory was a general *topos* of early medieval culture. We should, however, remember that the late tenth century was a period of large-scale monastic foundation and endowment under royal inspiration and leadership.⁴³ The fashion for monasticism was enthusiastically embraced by Anglo-Saxon elite society; it is reflected in many sources, ranging from charters, through narrative accounts such as the *Libellus Athelwoldi* (s. xii) and the chronicle of Ramsey (s. xii), to *libri memoriales* such as those surviving from Thorney (1031), Durham (s. viii¹), and Hyde (s. xi¹).⁴⁴ The last three decades of the tenth and first two decades of the eleventh century saw a spate of lay monastic foundations or refoundations, such as Tavistock, Cerne, Eynsham, Burton, and Buckfast.⁴⁵ The theme of man's transitory existence also served to remind the English that they were an elect people, and to reinforce the message that salvation was a tricky business, only reserved for the truly righteous. Bede had stated the British had forfeited their rule in Britain through their sins, and Wulfstan in his *Sermon of the Wolf* drew an explicit parallel between Gildas's (sixth-century) narrative and the peril the English faced in the early eleventh century.⁴⁶ It may have been this fear which drove

⁴³ Dorothy Whitelock, 'The Authorship of the Account of King Edgar's Establishment of the Monasteries', in *Philological Essays: Studies in Old and Middle English Language and Literature in Honour of Herbert Dean Meritt*, ed. by James Louis Rosier, *Janua linguarum, Series maior*, 37 (The Hague, 1970), pp. 125–37; *The Charters of New Minster Winchester*, ed. by Sean Miller, *Anglo-Saxon Charters*, 9 (Oxford, 2001), pp. 95–111.

⁴⁴ *Liber Eliensis*, ed. by Ernest Oscar Blake, *Camden Third Series*, 92 (London, 1962), pp. 72–117; *Chronicon abbatiae Rameseiensis*, ed. by William Dunn Macray, *Rolls Series*, 83 (London, 1886), pp. 3–45; *The Liber Vitae of the New Minster and Hyde Abbey, Winchester*, ed. by Simon Keynes, *Early English Manuscripts in Facsimile*, 26 (Copenhagen, 1996); Dorothy Whitelock, *History, Law and Literature in Tenth and Eleventh Century England* (Cambridge, 1981), No. XVII; *Liber Vitae Ecclesiae Dunelmensis: A Collotype Facsimile of the Original Manuscript*, ed. by Alexander Hamilton Thompson, *Publications of the Surtees Society*, 136 (Durham, 1923); Jan Gerchow, *Die Gedenküberlieferung der Angelsachsen: Mit einem Katalog der 'libri vitae' und Necrologien*, *Arbeiten zur Frühmittelalterforschung*, 20 (Berlin, 1988), pp. 155–97.

⁴⁵ Sawyer, *Anglo-Saxon Charters*, Nos 838 and 911; *The Chronicle of John of Worcester*, vol. II, *The Annals from 450 to 1066*, ed. by R. R. Darlington and P. McGurk, trans. by Jennifer Bray and P. McGurk (Oxford, 1995), p. 438; Herbert P. R. Finberg, 'The House of Ordgar and the Foundation of Tavistock Abbey', *English Historical Review*, 58 (1943), 190–201.

⁴⁶ Wormald, 'Aethelred the Lawmaker', p. 73; idem, 'Engla Lond', p. 20; *English Historical Documents c. 500–1042*, trans. by Dorothy Whitelock, 2nd edn (London, 1979), pp. 933–34.

the need to justify and amend the king's actions revealed by the charters of Æthelred discussed above: the last thing that the elect needed was a bad king, a king who was in danger of straying off the path to salvation. Charters, then, were only one part of a continuum of pedagogical texts concerned with the image of the English as a holy people, a continuum that could include both the law codes and the homilies of Ælfric.

If many tenth-century charters clearly articulated a number of important political and religious agendas, how were those messages received, and what role did assemblies play in the process of transmission? The audience for the charters' message is relatively easy to identify. It is what Fleming has called the 'tightly knit aristocracy bound to each other and the king through ties of kinship, marriage, lordship and close association', and what might be termed the 'establishment' of the English kingdom in the tenth and eleventh centuries.⁴⁷ This was an elite which, in the tenth century at least, had largely bought into the English kingdom, and which validated the kingdom by subscribing to the image of its kings and by imitating them by founding and patronizing religious houses on a large scale during the second half of the tenth century.

How this message might have reached them is much less clear. The language of charters was frequently extremely complex and sometimes simply incomprehensible. It would be difficult to argue that the Latin of some of Æthelred's charters, or that of 'Athelstan A', was accessible to anything other than a very small, well-educated group of men. If charters were read out at assemblies, could anyone understand them other than the clerics present? This is not the place to discuss the important subject of lay education in Anglo-Saxon England, but there are hints that some members of the lay elite were very well educated and highly cultured. Æthelweard the Chronicler is the most obvious example of a layman who could write in a very ostentatious Latin style.⁴⁸ It is tempting to dismiss Æthelweard as unrepresentative, not least because of his very high birth and semi-royal status. There are, however, other examples which suggest that some members of the lay elite may have also had a high quality Latin education. Ordulf, the uncle of Æthelred II, was the recipient of a *Hrabanum* and a martyrology in the will of Bishop Ælfwold of Crediton.⁴⁹ It is, of course, impossible to know whether Ordulf could read these books, or regarded them as anything other than precious gifts. That a Devon magnate was interested in the writings of a ninth-century Frankish ecclesiastic is an intriguing possibility.

Although the possibility that some of the laymen present at assemblies could understand the ideas articulated in charters should not be dismissed out of hand, there was still

⁴⁷ Robin Fleming, *Kings and Lords in Conquest England* (Cambridge, 1991), pp. 22–23.

⁴⁸ Michael Winterbottom, 'The Style of Æthelweard', *Medium Ævum*, 36 (1967), 109–18; Michael Lapidge, 'The Hermeneutic Style in Tenth-Century Anglo-Latin Literature', *Anglo-Saxon England*, 4 (1975), 67–111 (pp. 97–98).

⁴⁹ Sawyer, *Anglo-Saxon Charters*, No. 1492; *Councils and Synods with Other Documents relating to the English Church*, vol. 1, pt. 1, ed. by Martin Brett and others (Oxford, 1981), pp. 383–86.

a substantial number for whom such Latin was a closed book, and whose literacy was much more pragmatic than cultured. Were they excluded from engagement with either the charters or the messages and debates they reflected?

The first point to be made is that the impact of charters was not confined to their language. The rituals that may have, and probably did, surround the granting of charters, both in assemblies and perhaps also in the locality where the grant lay, would have been accessible to those who did not have the requisite Latin learning. Such people could still participate in the event, of which the production of the charter was only part.⁵⁰ Charters could, for example, project royal charisma and presence.⁵¹ They were often physically very impressive, containing highly charged symbols such as the crosses which often preceded the charter and the subscriptions. A charter such as the grant of privileges to the Bishop of Cornwall, dating from 994, is a visually powerful document with its gilded first line and capitals.⁵² Although this is the only surviving Anglo-Saxon charter with gilded letters, and in this respect is atypical, even ungilded charters could be imbued with a royal and sacral aura of the sort evoked by Airle in his description of St. Gall charters.⁵³

The second and perhaps more important point in this context is that, although the content of the charter may only been accessible to several of those present, that content may reflect and echo a dialogue in which all those present did participate. Charters were drafted and written by scribes whose training and horizons were entirely ecclesiastical, and their language reflects that as much as anything else.⁵⁴ Nevertheless, the basic debates and issues discussed would have been entirely accessible to all who attended royal assemblies. Indeed, the ideas at issue were very important to all members of Anglo-Saxon elite society: issues such as the role and identity of the English people, the nature of royal power, the role of monastic patronage, or the problems of inheritance. The debates and discussions are now lost to us; what the surviving charters offer is a mere glimpse of them, filtered through the lens of ecclesiastical language, culture, and values. The language of the charters may reflect their composition by clerics, but their content and rhetoric were aimed a far wider audience, whose notions they reflected.

⁵⁰ Susan E. Kelly, 'Anglo-Saxon Lay Society and the Written Word', in *The Uses of Literacy in Early Medieval Europe*, ed. by McKitterick, pp. 39–62 (p. 44).

⁵¹ Michael Clanchy, *From Memory to Written Record: England 1066–1307*, 2nd edn (Oxford, 1993), pp. 66–67.

⁵² Sawyer, *Anglo-Saxon Charters*, No. 880.

⁵³ Stuart Airle, 'The Palace of Memory: The Carolingian Court as Political Centre', in *Courts and Regions in Medieval Europe*, ed. by Sarah Rees Jones, Richard Marks, and A. J. Minnis (Woodbridge, 2000), p. 11.

⁵⁴ Pierre Chaplais, 'The Origin and Authenticity of the Royal Anglo-Saxon Diploma', repr. in *Prisca Munimenta: Studies in Archival and Administrative History presented to Dr A. E. J. Hollaender*, ed. by Felicity Ranger (London, 1973), pp. 28–42 (p. 36) [originally published in 1965].

Charters are, therefore, a useful and under-used source for looking at assemblies in late Anglo-Saxon England. They provide some idea of the debates and issues which pre-occupied Anglo-Saxon political society and even provide some insight into the way these debates may have been resolved. They show Anglo-Saxon politics in action and illustrate that, behind the edifice of English royal power, there was a structure relying on persuasion, negotiation, and compromise as much as on institutions. The charters of Æthelred show a king using the arena provided by assemblies to justify his actions and resolve the tensions within his own family. More broadly, tenth-century charters project an image of English royal power and success. That image relied on persuading the elite of English society of its truth and validity, and the process may have taken place in assemblies of the political nation, with charters bearing valuable witness to it.

Legal Assemblies and Judicial Structure in Early Scandinavia*

STEFAN BRINK

In the time when the school of the *Germanenrecht* was still dominant, it was natural to talk about early Germanic law, still uncorroded by Roman Law. When legal historians finally came to terms with this persistent leaven, it was only fools and old-fashioned philologists who could discuss uninfluenced Germanic law, and then chiefly when working with our provincial Scandinavian laws. This is where we stand today. Despite probably qualifying for both of the above epithets, I think it is time to reconsider the question. We need again to look at the sources at our disposal and try to find traces of early Scandinavian law (or, better, legal customs) that show no obvious connection with Roman Law but bear the impress of being indigenous.¹ This is necessary, because to understand early Scandinavian society it is vital to understand the legal mentality and judicial organization of the period. One becomes increasingly aware of this when penetrating early Scandinavian history. But how is it possible to say anything substantial on this matter, when we lack all written sources for the pre-Christian period, apart from

* The following abbreviations are used in this article: Germ. = Germanic; ODa = Old-Danish; ON = Old-Norse; OSw = Old-Swedish; Sw = Swedish.

¹ See Stefan Brink, 'Law and Legal Customs in Viking Age Scandinavia', in *Scandinavians from the Vendel Period to the Tenth Century*, ed. by Judith Jesch, Studies in Historical Archaeo-ethnology, 5 (Woodbridge, 2002), pp. 87–117; cf. two reviews of Elsa Sjöholm, *Sveriges medeltidslagar* (Lund, 1988): Thomas Lindkvist, 'Medeltidens lagar', *Historisk tidskrift*, 109 (Stockholm, 1989), 413–20, and Sverre Bagge in *Historisk tidskrift*, 69 (Oslo, 1989), 500–07; Jan Ragnar Hagland and Jørn Sandnes, 'Om lova og lagdømmet', in *Frostatingslova*, ed. by Jan Ragnar Hagland and Jørn Sandnes (Oslo, 1994), pp. ix–li; Sverre Bagge, 'Law and Justice in Norway in the Middle Ages: A Case Study', in *Medieval Spirituality in Scandinavia and Europe: A Collection of Essays in Honour of Tore Nyberg*, ed. by Lars Bisgård and others, Odense University Studies in History and Social Sciences, 234 (Odense, 2001), pp. 73–85.

the foreign and tendentious *Vita Ansgarii* (written by Rimbert, c. 830–88)² and the *Gesta Hammaburgensis ecclesiae pontificum* of Adam of Bremen († c. 1081)?³ In fact, there are possibilities as I hope to show below. Rather than focusing on persons, the focus will be on places, settlement, and landscape, so that their testimony is added to that of the few written records, mainly runic inscriptions.

Let us start with a truism. All societies and cultures — at least to my knowledge — have (or have had) *focal sites* such as religious centres, ceremonial grounds, *kava* sites, ritual sites, assembly sites, *thing* sites. It may therefore be assumed that early Scandinavia also knew assembly sites. For the better-documented Scandinavian Middle Ages (c. 1100–1500) we know of religious ‘ritual’ sites (churches) and of commercial centres (towns and market places). Legal assemblies tended to move around within legal districts, with the district judge holding sessions on the largest farm in a hamlet or, more often, in the parish vicarage, but there are also hints in early medieval documents of older, fixed, assembly sites. Sometimes, for example, it is recorded that a decision was taken at the ‘right *thing* site’ (*a rættom thingstadh*), and statements like this are confirmed by other evidence from earlier periods.

We shall start with medieval church sites. In my doctoral thesis, submitted some ten years ago, I studied parish formation in Scandinavia.⁴ I was able to show that, far from this having been a uniform process, there had been obvious regional differences. In the southern parts of Scandinavia, very often a church had been built on a manor by a nobleman, following the typical continental and Anglo-Saxon model. It was, however, not only private persons who built churches. Especially during the early phase, the king played a vital part in the process, for many churches, nearly always of stone, were built on royal farms and strongholds. Yet a third group of church builders was formed by collectives, particularly the congregation of a legal or settlement district. Interestingly, many of these communal churches were built on the ancient assembly site or *thing* site for the district, and for large parts of Scandinavia, churches can be used as indicators of prehistoric assembly sites.

This may be illustrated by the small settlement district of Ockelbo in northern Sweden (fig. 1). During the Viking Age the settlement consisted of a couple of farms around a small lake, Bysjön, which is a secondary place name. The older name of the lake was **Okli*, now found as the first element in the parish name and in the name of the older settlement district *Ockelbo*, meaning ‘the settlement district around lake **Okli*’. The prehistoric focal site in this small district is quite obvious. At the strategic position

² Rimbert, *Vita Ansgarii*, ed. and trans. by Werner Trillmich in *Quellen des 9. und 11. Jahrhunderts zur Geschichte der hamburgischen Kirche und des Reiches*, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters, 11 (Darmstadt, 1978), pp. 3–133.

³ Adam of Bremen, *Gesta Hammaburgensis Ecclesiae Pontificum*, ed. and trans. by Werner Trillmich in *Quellen des 9. und 11. Jahrhunderts*, pp. 137–499.

⁴ Stefan Brink, *Sockenbildning och sockennamn: Studier i äldre territoriell indelning i Norden* (Stockholm, 1990).

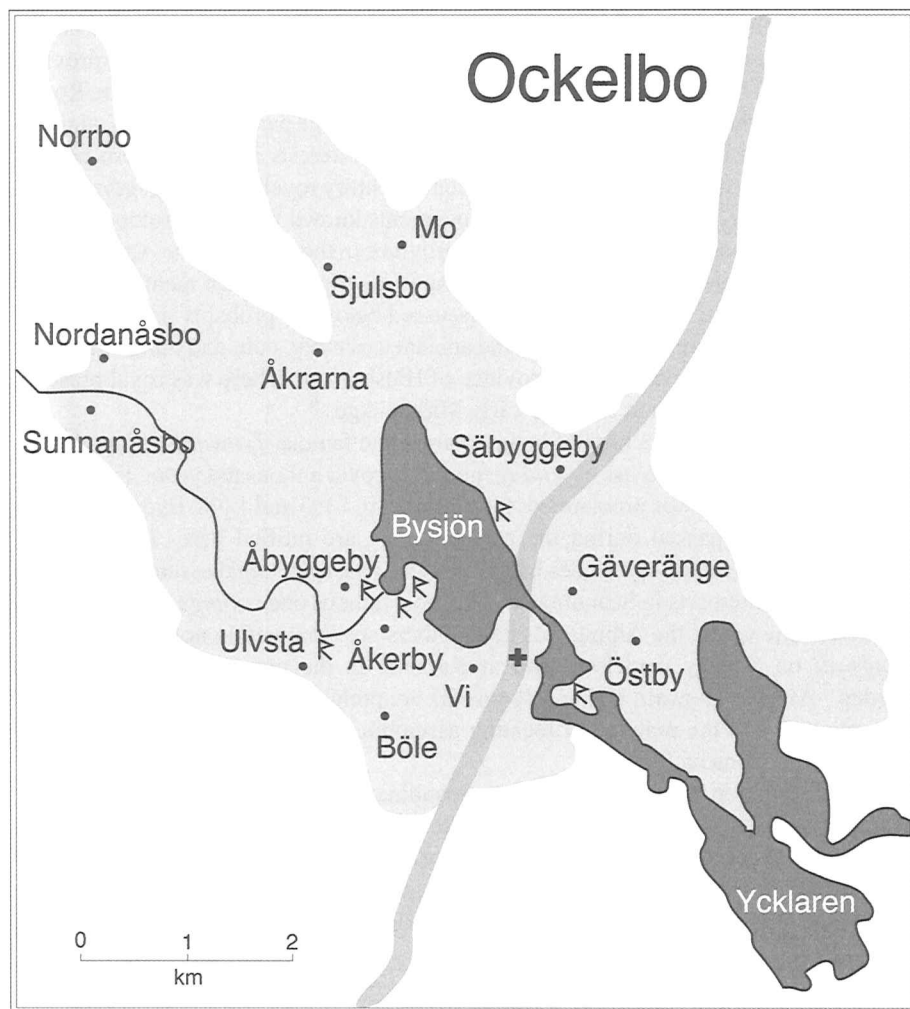


Figure 1. The small settlement district of Ockelbo in the province of Gästrikland in northern Sweden. (drawn by S. Brink)

where an esker (an important land route) crosses the river that feeds lake Bysjön, we find the cult and assembly site. It is shown by the place name *Vi*, which has a cognate in Germ. *Weihnachten* ('the Holy Nights'), going back to a Proto-Germanic *wiha-* ('holy'). Here, unsurprisingly, is also the Christian cult site with its church.⁵

⁵ See Stefan Brink, 'Political and Social Structures in Early Scandinavia II: Aspects of Space and Territoriality – The Settlement District', *Tor: Journal of Archaeology*, 29 (1997), 389–437 (pp. 408–10).

Also in northern Sweden is an assembly site important for a whole province both in prehistoric times and during the early Middle Ages. In the parish of Hög (in the province of Hälsingland) the church is built next to a huge grave mound dating from the Roman Iron Age called the King's mound, *Kungshögen* (fig. 2). The parish name, *Hög*, signifies the mound. Also here is one of the very few royal interests in the northern parts of Sweden, in the form of the twelfth- and thirteenth-century royal farm *Kungsgården*, 'the King's farm' (fig. 3). One of the earliest documents known from the province reveals that Hög was the assembly site for the entire province in the early Middle Ages. Finally, a ninth-century iron ring with a remarkable runic inscription which mentions a *vi* and *liudhrettr*, that is the law of the people (discussed below) is probably associated with Hög. At Hög, therefore, is evidence of the ancient assembly, cult, and *thing* site for the *hälsingar*, the people living in the province of Hälsingland. There was royal presence on this strategic site from at least the early Middle Ages.⁶

Hög in Hälsingland is a kind of counterpart to the famous *Tynwald Hill* on the Isle of Man, which has been in use as a *thing* mound for over a thousand years. From it, the election of new kings was proclaimed, for example, in 1393 and 1408. Even today Bills which have been passed during the previous year are ratified here. *Tynwald Hill*, *Tingualla* in the Middle Ages, goes back to an ON *Þingvǫllr* 'legal assembly site', and has several counterparts in Scandinavia. The most famous one is *Þingvellir* on Iceland, the ancient site where the Alþing was held. Others are *Dingwall* in northern Scotland, *Thingwall* on Orkney, and *Tingvalla* at Karlstad in the province of Värmland in Sweden.⁷ At least Tynwald Hill and *Þingvellir* are prehistoric, showing that the use of *thing* mounds and the practice of locating assemblies at distinct hills or mounds are prehistoric phenomena.⁸

This observation makes several other Scandinavian place names in *-haug*, *-hög*, meaning 'mound', of interest. First there are the famous *-haug* sites in Trøndelag: *Sakshaug*, *Alstahaug*, and *Haug*,⁹ all obviously centres and old royal farms in three of the four *fylki* in Inn-Trøndelag. The same background is probably to be found for the place name **Hög* (> *Högsby*) in the district of Handbörd in eastern Småland. There,

⁶ Cf. Brink, *Sockenbildning och sockennamn*, pp. 272–76.

⁷ Brink, 'Political and Social Structures in Early Scandinavia II', p. 403.

⁸ Cf. Sune Linqvist, 'Inglingehögen och Tynwald Hill', *Rig*, 8 (1925), 113–21; Helmuth Schledermann, 'Tingsted', in *Kulturhistorisk lexikon för nordisk medeltid*, vol. XVIII (Malmö, 1974), cols 373–76; Michael Barnes, 'Tingsted: Vesterhavsoyene', in *Kulturhistorisk lexikon för nordisk medeltid*, XVIII, cols 382–87.

⁹ Jørn Sandnes, 'Trøndelags elste politiske historie', *Historisk tidsskrift*, 46 (Oslo, 1967), 1–20 (pp. 5–6); Brink, *Sockenbildning och sockennamn*, p. 276; Stefan Brink, 'Political and Social Structures in Early Scandinavia I: A Settlement-Historical Pre-study of the Central Place', *Tor: Journal of Archaeology*, 28 (1996), 235–81 (p. 262).



Figure 2. The *Kungshögen* ('Royal Mound') in the parish of Hög in the province of Hälsingland, northern Sweden, probably the old *thing* mound for the settlement district and the province. (photo: Antikvarisk-topografiska arkivet, Stockholm)

again where an esker crosses a watercourse, is a *thing* site for the legal district (*härad*); the focal point obviously was a *thing* mound on this strategic site.¹⁰

It is possible to assign other Scandinavian place names which clearly refer to assemblies and *thing* meetings to the same semantic sphere. This is illustrated by the name *Tjølling*, a parish in southern Norway.¹¹ The parish is famous for the grand excavations at *Kaupang*,¹² which is more or less a counterpart to the equally famous Birka in Lake Mälaren, Sweden. Between the church, in Tjølling, and Kaupang, by the sea, is the hamlet of *Huseby*, an old royal farm. This small settlement district, which in the Middle Ages was also named *Skiringssalr*, has an unusual history. The name *Tjølling* goes back to an ON *Þjóðalyng*, meaning 'the ground (heather) of the *þjóð* (i.e. the people)'. This

¹⁰ See Stefan Brink, 'Land, bygd, distrikt och centralort i Sydsverige: Några bebyggelsehistorisk nedslag', in *Centrala platser, centrala frågor: Samhällsstrukturen under järnåldern*, ed. by Lars Larsson and Birgitta Hårdh, Uppåkrastudier, 1 (Stockholm, 1998), pp. 297–326 (pp. 308–11).

¹¹ See Brink, 'Political and Social Structures in Early Scandinavia I', pp. 271–73.

¹² Charlotte Blindheim, *Kaupang*, Norske fortidsminner, 2 (Oslo, 1953); Charlotte Blindheim and others, *Kaupang-funnene*, 3 vols to date (Oslo, 1981–); Dagfinn Skre and others, *The Kaupang Excavation Project: Annual report 2000* (Oslo, [2001]).



Figure 3. An aerial view over central parts of the parish of Hög in the province of Hälsingland, Sweden, with the church, the *Kungsgården* ('Royal Farm') in the foreground and the *Kungshögen* ('Royal Mound') to the right of the church.
(photo: J. Norrman, Riksantikvarieämbetet, Stockholm)

clearly refers to people assembling on the site, most probably for communal matters. A direct counterpart to Tjølling is the predecessor to the town and episcopal see of *Linköping* in the province of Östergötland in Sweden. There, where an old and famous land route, the *Erikskata*, crosses the river Stångån, was the ancient assembly and *thing* site for the province (*Lionga ting*), near which was a royal manor, *Stang*. We have here, therefore, a picture similar to that at Hög, Hälsingland. On this important site were established a market place, *köping*, and later a town and an episcopal residence and church.

It is apparent from the discussion so far that several place-name elements (*ljung/lyng*, *vall/voll*, *hög/haug*, and *vi*) are indicative of prehistoric assembly sites. The element *vi* is found in some remarkable and important cases, such as *Törved* (previously *Tyravi*) on the large island of Södertörn (formerly *Tør*), south of Stockholm. The latter element in *Törved* is also *vi*, with the first element being the inhabitants' name *torar* 'the people living in Tør', the land, or large island, that today is a part of the province of Södermanland. The people living in this place thus had a common assembly place to discharge legal matters and to conduct cultic rituals, the name bearing witness to the existence of communal cult and assembly sites for all the people living in a land or a province.

The case of Karlevi on the island of Öland tells a very different story. This name has as qualifier the plural of the word *karlar*, most probably denoting a *hirð*, *fyrð*, or *comitatus*, in other words, a group of warriors. For some reason this social group had a cult and assembly site of its own. At Karlevi is the famous Karlevi rune stone, set up for a Danish chieftain by his retinue (*karlar*). It bears a dedicatory praise poem, written in the prestigious metrical foot called *dróttkvætt*, and was therefore suitable to be recited in front of the escort (*drótt*) of a king or chieftain.¹³

The word OSw *vi*, ODa *væ*, ON *vé*, going back to the Proto-Germanic adjective **wiha-* ‘holy’, is found in many place names in Scandinavia. Often the name of a pagan god or goddess is found as a qualifier, as in *Frösvi*, *Odense* (< *Othinsvæ*), *Torsvi*, and *Frövi*, and the places so designated are usually understood as cult sites for these gods and goddesses. However, properly to understand what a *vi* was, the evidence of the Forsa rune ring from Hög must be considered (fig. 4).¹⁴ The text is obscure in some parts, and is capable of different interpretations. The most likely translation is:



Figure 4. The Forsa rune ring. (from Sophus Bugge, *Runeskriften paa Ringen i Forsa Kirke* (Christiania, 1877), p. 59)

One ox and two *aura* [in fine] to the *staf* for the restoration of a *vi* in a valid state for the first time;

two oxen and four *aura* for the second time;

but for the third time four oxen and eight *aura*;

and all property in suspension, if he does not make right.

That the people are entitled to demand, according to the law of the people, which was decreed and ratified before.

But they made themselves this, Anund from Tåsta and Ofeg from Hjortsta.

But Vibjörn carved.

This is a legal text, the earliest known from Scandinavia, a kind of law or rule from the early Viking Age, around AD 800. Most probably it regulates the maintenance of a *vi*,

¹³ Cf. Stefan Brink, ‘Social Order in the Early Scandinavian Landscape’, in *Settlement and Landscape*, ed. by Charlotte Fabech and Jytte Ringtved (Århus, 1999), pp. 423–39 (pp. 429–32).

¹⁴ See Stefan Brink, ‘Forsaringen – Nordens äldsta lagbud’, in *Femtende tværfaglige Vikingesymposium, Aarhus Universitet 1996*, ed. by Else Roesdahl and Preben Meulengracht Sørensen (Århus, 1996), pp. 27–55.

a cult and assembly site.¹⁵ For the failure to restore the *vi* in a legal way, fines were to be paid: one ox and two *aura* (*ørar*) for the first time, two oxen and four *ørar* for the second, and four oxen and eight *ørar* the third time. Otherwise, all the property of the accused was to be suspended. Perhaps the most important part of the inscription is the phrase *svað liuðir æigu at liuðretti* ('that, the people are entitled to demand according to the law of the people [or land]'). Thus, there is here evidence of a special kind of law of the people or the *land* (most certainly Hälsingland), a *liuðrettr* (cf. ON *lýðrettr*).¹⁶ To my knowledge, this contemporary statement is unique for Viking Age Scandinavia. Not only that, but it supports a statement by Snorri Sturluson (1179–1241), in *Heimskringla*,¹⁷ that different people had different laws in early Scandinavia. As indicated above, this rune ring is probably associated with the *thing* site for the whole province at Hög with its *thing* mound, and it is tempting to see in it an example of a prehistoric oath ring.

Apart from the Forsa rune ring, one of the most important pieces of evidence for pre-Christian legal customs in Sweden is a ninth-century runic inscription on a flat rock in the hamlet of *Oklunda* in the province of Östergötland (fig. 5). The somewhat obscure runic text may be translated as: 'Gunnar cut this, cut these runes. And he fled guilty (of homicide), sought this pagan cult site (*vi*). And he got free safe-conduct (to the assembly) then, and he tied Vi-Finn'. It appears from this that a malefactor was allowed protection at a *vi* after committing homicide — if he managed to get there before his adversaries managed 'legally' to kill him — and after officially announcing his crime. The same custom is also known from Christian laws in which the church is regarded as a place of special legal sanctity where people had a right of asylum.¹⁸ Although there are many problems with the inscription, it is safe to say that it is a legal document from the early ninth century and that its purpose was to announce that a man, Gunnar, had followed the law after committing a crime, a homicide. He had escaped to a *vi*, a cult and assembly site, obtained asylum, and perhaps drawn up a protected space (Sw *fridskrets*) where he was safe.

Another final illuminating piece of evidence regarding a *vi* is that the string or rope enclosing the *thing* at sites such as Gulathing in Norway was called *vébønd*.

These three cases suggest that *vi* had some judicial semantic content in Viking Age Scandinavia. From this evidence, it is plausible to interpret the Scandinavian *vi* as an assembly place for legal, cultic, and probably other communal matters in prehistoric

¹⁵ Bo Ruthström, 'Forsa-ringen – vikingatida vi-rätt?', *Arkiv för nordisk filologi*, 195 (1990), 41–56.

¹⁶ Cf. Klaus von See, *Altnordische Rechtswörter: Philologische Studien zur Rechtsauffassung und Rechtsgesinnung der Germanen*, Hermaea: Germanistische Forschungen, 16 (Tübingen, 1964), pp. 57–63.

¹⁷ *Ólófs saga ins helga*, c. 94; see Snorri Sturluson, *Heimskringla: Noregs Konunga Sögur*, ed. by Finnur Jónsson (København, 1911), p. 260.

¹⁸ Bertil Nilsson, 'Frids- och asylföreskrifter rörande den medeltida sockenkyrkan', in *Kyrka och socken i medeltidens Sverige*, ed. by Olle Ferm, Studier till Det medeltida Sverige, 5 (Stockholm, 1991), pp. 473–504 (pp. 486–88).



Figure 5. The Oklunda rune inscription on a flat rock in the parish of Östra Husby in the province of Östergötland, Sweden.

(photo: Antikvarisk-topografiska arkivet, Stockholm)

times. As will be seen, the functions of the *vi* in relation to communal affairs and asylum were later taken over by the church.

In Scandinavia it is therefore largely possible to reconstruct the focal societal arena for a settlement district, the assembly place for dealing with (most probably) legal, cult, and trade matters — and also for feasting and playing games.¹⁹ The indicators are the place name elements *vi*, *hov*, *hög*, *ljung*, *vall*, and *lund*.²⁰ Before discussing the shape and function of these assembly sites, something needs to be said of the legal customs of early Scandinavia before their adaptation to continental and Roman Law in the medieval period.

In the Viking Age, the Scandinavians probably had no comprehensive laws like the later provincial laws.²¹ Instead, legal customs and traditions probably differed between

¹⁹ See Brink, 'Political and Social Structures in Early Scandinavia II', *passim*.

²⁰ Cf. Thorsten Andersson, 'Kultplatsbeteckningar i nordiska ortnamn', in *Sakrale navne*, ed. by Gillian Fellows Jensen and Bente Holmberg, NORA-rapporter, 48 (Uppsala, 1992), pp. 78–105; Brink, 'Political and Social Structures in Early Scandinavia I', *passim*.

²¹ Cf. Brink, 'Law and Legal Customs in Viking Age Scandinavia'.

provinces. Some of those customs can be glimpsed through the runic evidence. For the province of Hälsingland comes the evidence of the *liuprettr* 'the law of the people (the land)', that is, of the province Hälsingland (above). This not only implies that, in the ninth century, the people of Hälsingland thought they had a corpus of legal rules and customs, but also suggests that the laws were *liuprettr* 'laws of the people', and therefore not king's law: this is important when comparing Scandinavian law with the early continental laws. One of the rules, relating to the maintenance of the *vi*, is mentioned on the Forsa Ring. In a society which in practice hardly distinguished between legal and cultic matters, the *vi* had both legal and cultic functions, a fact remarkably illustrated in the Oklunda runic inscription, and it is practically impossible to separate 'religion' from law in pre-Christian and pre-Roman Law Scandinavia.

Finally, let us return to *thing* and assembly sites, and consider the evidence for what they looked like during the Viking Age, and for how they functioned. In Rimbert's *Vita Ansgarii* there is a strikingly vivid and interesting description of pre-Christian Scandinavian *thing* site and rituals. The material relates to the town of Birka in central Sweden in the ninth century. In chapter 19, Rimbert described a situation when a *thing* was imminent, with the Christian *praefectus* over Birka, *Hergeir*, attending. 'Once he sat at a *thing*, where a hut was built on the ground or field for the session'.²² Later, Rimbert recounts us the famous episode in which King Björn decided whether Ansgar would be allowed to spread the Christian word in Birka. He submitted the question to the assembly, having previously convoked his chieftains and discussed Ansgar's case with them. 'They decided then by casting lots to find out the attitude of the gods'.²³ Later, Rimbert wrote: 'Then, when the day for the *thing* came, a *thing* held in Birka, the King let his herald shout out what was going to be decided'.²⁴ Interpretation of the text is complicated, as it is not clear to what extent Rimbert depended on previous hagiographical texts for some of his descriptions.²⁵ Yet there are several features of the story that make it historically probable: the hut on a field (cf. the *thing* huts on the *Allthing* on Iceland); the *thing* on a field (cf. *Thingvellir*, *Tjølling* etc., known *thing* sites on a field or heather); and the casting of lots to communicate with the gods, showing that cult and law were intimately connected.

In the well-known Icelandic saga of Egil Skallagrimsson there is a famous description of the Gula *thing* site:

Where the court was established there was a level field, with hazel poles set down in the field in a ring, and ropes in a circuit all around. These were called the hallowed bands (*véþqnd*). Inside the ring sat the judges, twelve out of Firðafylki, twelve out of Sognfylki,

²² Rimbert, *Vita Anskarii*, c. 19.

²³ Rimbert, *Vita Anskarii*, c. 19.

²⁴ Rimbert, *Vita Anskarii*, c. 27.

²⁵ Cf. Ian Wood, *The Missionary Life: Saints and the Evangelisation of Europe 400–1050* (Harlow, 2001), esp. pp. 53, 129–32, 263.

and twelve out of Hǫrðafylki. It was for these three twelve to reach a verdict in men's lawsuits.²⁶

This is of course a saga, but the meaning of the text is elucidated by two important independent contemporary sources, both early provincial laws. In a chapter of the ancient provincial law used for this *thing*, the Gulathing Law (c. 91), it is stated that the *thing* site should have a round shape (*þingring*).²⁷ In the early Frostating Law (I.2), the law book for the province of Trøndelag in Norway, the word *vébǫnd* is used when it is stated that the *ármen* (bailiffs) from all *fylki* shall with *vébǫnd* enclose the place of the men in the *lǫgretta*.

In Bällsta, in the parish of Täby just north of Stockholm, is a famous rune monument (fig. 6). On two rune stones can be read

[ulfkil] uk arkil uk kui þir kariþu iar þikstaþ

'Ulvkel and Arnkel and Gye they made here a *thing* site (*þingstaðr*)'.²⁸

The rune stones and several other stone slabs, placed in a circle, are still *in situ*. We have here probably a privately owned *thing* site from the eleventh century, different from the communal assembly sites mentioned before. Whether privately owned *thing* sites were a new development in the legal organization in Scandinavia during the late Viking Age, is not known. All that can be deduced is that there existed *thing* assembly sites for legal districts, for settlement districts and provinces, but that there were also privately owned *thing* sites under control of a chieftain, family, or corporation.

The sum of the evidence presented here indicates that there are definite traces, especially from the Viking Age, of early indigenous legal customs rather than of laws promulgated by a king. In those customs, 'religion' and law were intimately connected: they were in a way different sides of the same coin. And it is also possible to reconstruct prehistoric legal districts and their assembly sites to a degree that, from an international perspective, is unique.

²⁶ *Egil's saga*, c. 56; see *Egils saga Skallagrimssonar*, ed. by Finnur Jónsson (København, 1886–88), c. 56; my translation.

²⁷ Cf. *Gulatingslovi*, ed. and trans. by Knut Robberstad, *Norrøne bokverk*, 33 (Oslo, 1937), p. 198; Schledermann, 'Tingsted', col. 374.

²⁸ Sven B. F. Jansson, *Runes in Sweden* (Stockholm, 1987), pp. 120–21.

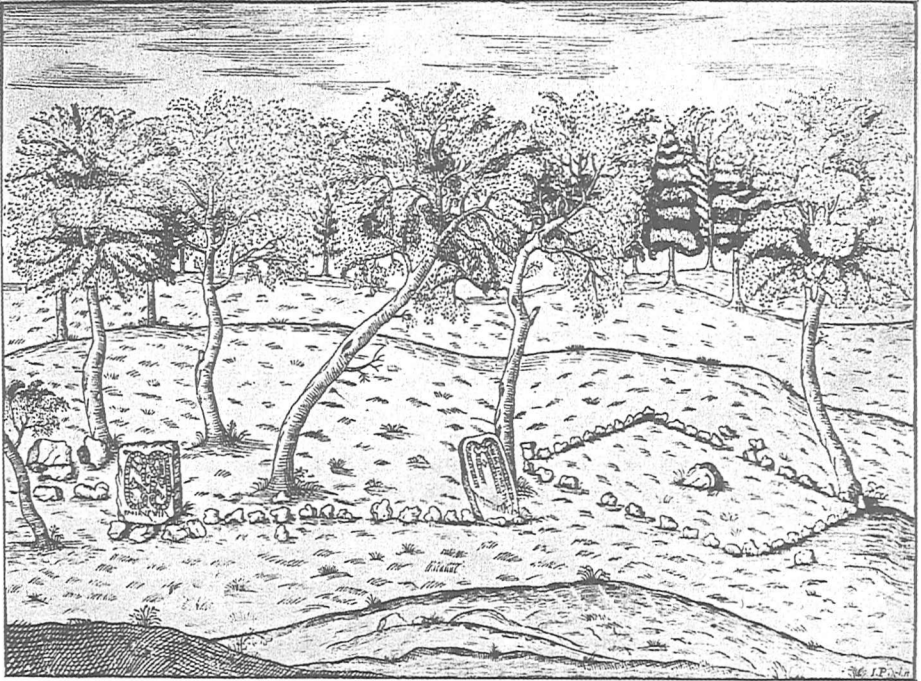


Figure 6 The Viking Age *thing* assembly place at Bällsta in Täby, in the province of Uppland, Sweden, as depicted by Peringskiöld c. 1700.
(from *Upplands runinskrifter*, vol. I.1 (Stockholm, 1943), p. 348)

Royal Inauguration Assembly and the Church in Medieval Ireland

ELIZABETH FITZPATRICK

A recent criticism of Irish medieval studies is the perceived reluctance of Irish scholars to integrate their findings within the ‘international narrative of medieval history’, and the lack of sound methodological and interdisciplinary approaches in the analysis of data.¹ The same criticism comes to bear on the writing of the new archaeology of medieval Ireland, which itself is in its infancy. Despite the realities of these criticisms, it must be pointed out that, more recently, some fresh approaches have been initiated towards placing the history and archaeology of medieval kingship and the Irish Church into a European context.²

This paper attempts to discuss the role of the Church in Irish royal assembly, placing particular emphasis on the expressions of ecclesiastical intervention in royal inauguration from the twelfth to the fifteenth centuries. It also considers whether some of those expressions were a direct consequence of the power struggle between secular and ecclesiastical aspirations in respect of royal power. As a prelude to the particularity of this investigation, a brief account of the forms and venues of royal assembly in early (fifth century to c. 1100) and high medieval (c. 1100–1350) Ireland is required.

¹ Edel Bhreathnach, ‘Review Article: Medieval Irish History at the End of the Twentieth Century: Unfinished Work’, *Irish Historical Studies*, 32 (2000), 260–71 (pp. 262, 267).

² See, e.g., Dagmar Ó Riain-Raedel, ‘German Influence on Munster Church and Kings in the Twelfth Century’, in *Seanchas: Studies in Early and Medieval Irish Archaeology, History and Literature in Honour of Francis J. Byrne*, ed. by Alfred P. Smyth (Dublin, 2000), pp. 323–30; Thomas M. Charles-Edwards, *Early Christian Ireland* (Cambridge, 2000); Tadhg O’Keeffe, ‘Romanesque as Metaphor: Architecture and Reform in Early Twelfth-century Ireland’, in *Seanchas*, ed. by Smyth, pp. 313–22; Katharine Simms, *From Kings to Warlords: The Changing Political Structure of Gaelic Ireland in the Later Middle Ages* (Woodbridge, 1987).

Royal assembly in early medieval Ireland adopted different forms and venues according to the status and purpose of the meeting. The terms given to the more significant high-status assemblies by Old Irish tracts on kingly duties and law include *rigdál*, *oirneadh*, *óenach*, and *airecht*. As Simms observes, while these terms may have been intended to distinguish between different types of gatherings, some of them overlap to a considerable extent.³

The *rigdál* (*rig* = king, *dál* = meeting) was a high-level conference of kings or leading nobles at which relations between peoples were discussed and a *cairde* or treaty made.⁴ It was generally convened on church lands with the direct involvement of ecclesiastics. Although perhaps the earliest of such meetings was the king's convention held at Druim Cett (south of Limavaddy, Co. Derry) by the Northern Uí Néill in 575, it is termed *conductum regum* rather than *rigdál*.⁵ *Rigdála* are more particularly noted for the ninth century, the first of which was held at Birr in 827 between Feidlimid mac Crimthann, king of Cashel, and Conchobar mac Donnchada, king of the Southern Uí Néill.⁶ This was followed by the *rigdál* provenanced to Cloncurry in Co. Meath, convened in 838 to resolve issues between the King of Munster and Niall, king of the Northern Uí Néill.⁷ Later, in 851, Armagh in Ulster was the venue for another royal conference between Máel Sechnaill mac Máele Rúanaid (king of Tara and over-king of the Uí Néill, 846–62) and Matudán mac Muiredaig, king of Ulaid, along with the Bishop and *comharba* ('leading churchman') of Patrick and the clerics of Mide.⁸ Máel Sechnaill mac Máele Rúanaid, in particular, exploited the *rigdál* to its fullest, using it as 'a grand occasion on which to demonstrate his authority'.⁹ The more significant one held by him, to 'make peace and amity between the men of Ireland',¹⁰ met in 859 at the church site of Ráith Áeda (Rahugh, Co. Westmeath). The precise venue for the meeting appears to have been a barrow on the ridge of Cnoc Buada ('Hill of Victory', or 'Hill of Triumph'), which was in direct view of the church.¹¹ The main purpose of the gathering was to bring the recalcitrant kingdom of Osraige into the jurisdiction of the Southern Uí Néill and declare Máel Sechnaill's dominance over Munster. It could also have been the very

³ Simms, *From Kings to Warlords*, p. 60.

⁴ John Bannerman, 'The Convention of Druim Cett', *Scottish Gaelic Studies*, 11 (1966), 114–32 (pp. 122–23); Charles-Edwards, *Early Christian Ireland*, pp. 279–81.

⁵ Bannerman, 'The Convention', pp. 114–32.

⁶ *The Annals of Ulster*, ed. by Seán Mac Airt and Gearóid Mac Niocaill (Dublin, 1983), p. 285.

⁷ *The Annals of Ulster*, ed. by Mac Airt and Mac Niocaill, p. 297.

⁸ *The Annals of Ulster*, ed. by Mac Airt and Mac Niocaill, p. 311.

⁹ Charles-Edwards, *Early Christian Ireland*, p. 279.

¹⁰ *The Annals of Ulster*, ed. by Mac Airt and Mac Niocaill, p. 317.

¹¹ Elizabeth FitzPatrick, 'The Landscape of Máel Sechnaill's *Rigdál* at Ráith Áeda, 859 AD', in *Above and Beyond: Essays in Memory of Leo Swan*, ed. by Tom Condit, Chris Corlett, and Patrick Wallace (forthcoming).

occasion on which the King of Tara was acclaimed by the gathering of kings and churchmen as the 'King of Ireland'. The ecclesiastical presence at the Ráith Áeda *rigdál* in 859 was potent. By accompanying the King of Tara to Ráith Áeda, Fetgna, *comharba* of Patrick at Armagh, reinforced the primacy of the *paruchia* of Patrick, an action that was very much in keeping with Armagh's policy during the ninth century.¹² Suairlech, *comharba* of Clonard, was also present just as he had been at the *rigdál* of 851 in Armagh. His attendance by Máel Sechnaill's side is testimony to the growing status of the monastery of Clonard under the Clann Cholmáin kings. Situated in the centre of Mide, it became the most important church in that kingdom during the ninth century.¹³ But the choice of venue for the *rigdál* was also significant. The Uí Néill Clann Cholmáin kings claimed, as one of their kin, the founder of Ráith Áeda: Saint Áed mac Brice.¹⁴ Perhaps more important than the bonds of lineage tying them to the church of Áed mac Brice was the almost legendary power of Áed as an arbitrator between warring kings. As Charles-Edwards points out, the eighth-century *Life* of Áed portrays him as 'a saint of the border between the Uí Néill and Munster' and as a somewhat formidable figure whom kings disliked but were 'compelled to obey'.¹⁵

The first recorded instance of the use of the term *airecht* occurs in the Irish *Annals* for the year 1023 in relation to an assembly of the Dublin Norsemen.¹⁶ As with the *rigdál*, the *airecht* was an open-air assembly. The word as used in the early medieval period appears to refer to the hearing of lawsuits and to peaceful meetings between warring territories or between vassal-kings and their overlords. Subsequent entries for the eleventh and twelfth centuries suggest that the *airecht* may also have been an occasion on which alliances were made and one lord submitted to another.¹⁷ In the late twelfth century the term *oireacht* was reserved for the people who attended such meetings (the king's subject nobility). In the later medieval period the term *oireachtas* described the assembly itself, which was effectively an instrument of government for the lordship. During it, disputes were settled, submissions to overlords made, and alliances and peace terms established.¹⁸

The *óenach*, a seasonal gathering, was in all respects the largest and most-embracing form of early medieval assembly, involving not just the presiding king and nobles but the inhabitants of a *tuath* ('petty kingdom') or of a province. Traditionally, it fell on the

¹² Nicholas B. Aitchison, *Armagh and the Royal Centres in Early Medieval Ireland* (Woodbridge, 1994), pp. 198–295.

¹³ Annette Kehnel, *Clonmacnoise: The Church and Lands of St. Ciarán* (Münster, 1997), pp. 59–61.

¹⁴ James F. J. Kenney, *Sources for the Early History of Ireland: Ecclesiastical* (New York, 1929), p. 393; Charles-Edwards, *Early Christian Ireland*, p. 446.

¹⁵ Charles-Edwards, *Early Christian Ireland*, pp. 445–46.

¹⁶ *The Annals of Ulster*, ed. by Mac Airt and Mac Niocaill, p. 461.

¹⁷ Simms, *From Kings to Warlords*, p. 64.

¹⁸ Simms, *From Kings to Warlords*, pp. 77–78.

festival of Lughnasa (the festival of the harvest in late July/August). Sporting contests, economic transactions, the promulgation of law and other public business was conducted at the *óenach*, and sometimes it involved the proclamation of special ordinances by kings.¹⁹ One of the more renowned of these gatherings was *Óenach Tailten* (Teltown, Co. Meath), held among the Southern Uí Néill, which gradually fell into disuse after 872.²⁰ Although the secular *óenach* survived in an attenuated form until the twelfth century, after the ninth century there was a tendency for this institution to be convened at the greater ecclesiastical settlements, such as Armagh and Clonmacnoise, on the occasion of church festivals. The political value of the *óenach* to Irish kings was thus lost.²¹

Oirdneadh ('ordination') and *ríoghadh* ('en-kinging') refer to royal inauguration. Both terms are consistently used in the Irish chronicles until the end of the fourteenth century to denote the conferring of royal authority on a kingship candidate.²² Royal inauguration took place at specially appointed sites: usually on mounds in prehistoric landscapes having alleged associations with the progenitor of a dynasty. But in circumstances where the Church felt it necessary to impose its authority on secular inauguration ritual, or where a dynasty in the circumstances of the twelfth-century Church reform movement in Ireland saw it as politically expedient to embrace reform, church sites became the venues for some en-kinging ceremonies.

The Transformation of Ritual Symbols

The intentions of the Irish Church regarding the rituals of kingship are apparent perhaps as early as 700. Enright has argued that there was a strand of thinking in the Church which was predisposed to alter the very nature of Irish kingship and to that end targeted royal inauguration ritual as a critical starting point.²³ Simms has also suggested that the intervention of the Church in the inauguration of early medieval Irish kings manifested an intention to change the role of kingship and render Irish kings, as with their Carolingian counterparts, the 'secular arm of the Church'.²⁴ Ecclesiastics promoted the idea of the king's authority being conferred by God, an idea which is given expression in the ninth-century *Tecosca Cormaic* in the words: 'it is through the truth of a ruler that God gives all that [prosperity]'.²⁵ The manner in which ecclesiastical interference in Irish

¹⁹ Simms, *From Kings to Warlords*, p. 60.

²⁰ See Catherine Swift, 'Óenach Tailten, the Blackwater Valley and the Uí Néill Kings of Tara', in *Seanchas*, ed. by Smyth, pp. 109–20.

²¹ Simms, *From Kings to Warlords*, pp. 62–63.

²² Simms, *From Kings to Warlords*, p. 32.

²³ Martin. J. Enright, *Iona, Tara and Soissons: The Origin of the Royal Anointing Ritual* (Berlin, 1985), p. 48.

²⁴ Simms, *From Kings to Warlords*, pp. 25–26.

²⁵ *The Instructions of King Cormac Mac Airt*, ed. and trans. by Kuno Meyer, Todd Lecture Series, 14 (Dublin, 1909), p. 5.

medieval king-making ritual tangibly manifested itself was through subtle alterations in the officiators and in the rites and venues of the inauguration ceremonies of certain Irish kings. From the twelfth century onwards, there are particular instances in which the *ollamh*,²⁶ a secular official who usually acted as kingmaker, was replaced in that capacity by a leading churchman or *comharba*.²⁷ The *comharba* of Máedóc, for example, presided at the inauguration ceremony of the Ó Ruairc king-elect of the kingdom of Bréifne.²⁸ The Ó Ceallaigh King of Uí Mhaine was inaugurated by the *comharba* Ó Miadhacháin;²⁹ the *airchinneach* ('superior of a church community') Ó Firghil acted as kingmaker to the Uí Dhomhnaill and Mic Shuibhne dynasties of Tír Conaill and Fanad.³⁰ Considerable antiquity is occasionally claimed for this ecclesiastical presence. A pointed instance occurs in a prose tract accompanying a ceremonial ode, celebrating the inauguration of the Ó Conchobhair King of Connacht. Its prototype may have been originally compiled as early as the twelfth or thirteenth century.³¹ It opens with the statement: 'This is how kings of Connacht are made king, as Patrick ordained when he made Duí Galach son of Brión, son of Eochu [Muigmedhón] king'. It goes on to explain that the heirs of the twelve bishops of Ireland and the twelve chieftains of Síol Muireadhaigh were obliged to attend the inauguration.³² The ceremonial turn or *deiseal* (a 'cosmical rotation', three times clockwise), performed as an inauguration rite, was in at least one recorded instance undertaken by churchmen with a reliquary in hand, and *slat na ríge* ('the rod of kingship') apparently became a symbol of authority conferred by God. At its most potent, ecclesiastical resolve could displace an inauguration ceremony from a traditional royal assembly place to a church site.

The principal ritual prop and archetypal symbol of legitimate royal authority was the unsophisticated *slat na ríge* — a simple hazel rod — which occurs in references to inauguration ceremonies as late as the sixteenth century. It is first encountered in a

²⁶ Simms, *From Kings to Warlords*, p. 176, explains this term as 'master of poetry, or other learned or skilled profession in the native tradition, as law, history, medicine, music, smithcraft, etc [. . .] the office was obtained by appointment or approval of the local king'.

²⁷ Simms, *From Kings to Warlords*, p. 173, explains *comharba* as an '“heir”: especially abbot, or layman in that office, who succeeded to the authority and revenues of the founder of an early monastery or group of monasteries'.

²⁸ *Bethada Náem nÉrenn: Lives of Irish Saints*, ed. and trans. by Charles Plummer, 2 vols (Oxford, 1922), II, 197.

²⁹ *The Tribes and Customs of Hy-Many*, ed. and trans. by John O'Donovan (Dublin, 1843), p. 79.

³⁰ *Leabhar Chlainne Suibhne: An Account of the Mac Sweeney Families in Ireland, with Pedigrees*, ed. and trans. by Paul Walsh (Dublin, 1920), p. 51.

³¹ Katharine Simms, 'Gabh umad a Fheidhlimidh: A Fifteenth-Century Inauguration Ode', *Ériu*, 31 (1980), 132–45 (p. 143).

³² Myles Dillon, 'The Inauguration of O'Connor', in *Medieval Studies Presented to Aubrey Gwynn, S.J.*, ed. by John A. Watt, John B. Morrall, and Francis X. Martin (Dublin, 1961), pp. 186–202 (pp. 196–97).

christianized context in the late Irish *Life* of St. Máedóc of Ferns. In the *Life* it is specified that the rod (which the *comharba* Ó Dubhthaigh gives to the King of Bréifne during his inauguration) must be cut from the hazel of Saint Máedóc at his monastery of Dísert Máedóc in Leinster.³³ The hazel is significantly also associated with the birth of Máedóc as related in the *Martyrology of Donegal*. The saint was reputedly born on a flagstone, and a detail of his remarkable birth is that his mother had in her hand 'the spinster's distaff [. . .] a withered hard stick of hazel'. At the moment of his birth it 'grew up with leaves and blossoms and afterwards with goodly fruit' and thrived as a 'green tree without decay or withering, producing nuts every year in Inis-Breachmhaighe'.³⁴ Both references to Máedóc's association with the hazel seem to suggest an important connection between the rod and the *bile* ('sacred tree'). Some of these are documented at known inauguration sites.³⁵ The implication may be that *slat na righe* may have been cut as a matter of course from the *bile* growing at a traditional inauguration site. With the twelfth-century Bréifne inauguration, however, a sacred tree growing at a church site (Dísert Máedóc) is the source for *slat na righe*. This suggests the strong intervention of the Church in the Bréifne en-kinging ceremony. The handing of *slat na righe* to the King of Bréifne by a *comharba* rather than an *ollamh* opens an important area of enquiry. While the medium remains the same, the symbolism inherent in the rod being presented by a representative of the Church, and having been cut from a sacred tree growing at a monastic site, marks a new point of departure. In an inauguration rite presided over by ecclesiastics, *slat na righe* essentially became a symbol of delegated authority, an authority conferred by God and supported by the Church.

While *slat na righe* makes its first documented appearance in the late-twelfth-century *Life* of Máedóc of Ferns, a thought-provoking scene on the late-ninth-century Cross of the Scriptures at Clonmacnoise (Co. Offaly) may suggest the use of a rod in the inauguration of an Uí Néill high-king of this period. The Cross of the Scriptures was probably erected to commemorate the accession of the Southern Uí Néill king, Flann Sinna, to the high kingship of Ireland in 879.³⁶ Of particular interest is a scene on the bottom panel of the east face of the shaft of the cross, which has not yet received a satisfactory interpretation (plate 1). The panel shows two figures in profile, grasping between them a stick, which Harbison describes as expanding into a triangular shape on each side with a rounded knob-like form on top. He also explains that the head, which Crawford had earlier noted as having been carved on the knob, is almost certainly

³³ *Bethada Náem nÉirenn*, ed. and trans. by Plummer, II, 196–97.

³⁴ *The Martyrology of Donegal: A Calendar of the Saints of Ireland*, ed. by James Henthorn Todd, John O'Donovan, and William Reeves (Dublin, 1864), pp. 32–33.

³⁵ Anthony T. Lucas, 'The Sacred Trees of Ireland', *Journal of the Cork Historical and Archaeological Society*, 68 (1963), 16–54 (pp. 27–34).

³⁶ Liam De Paor, 'The High Crosses of Tech Theille, Kinnitty, and Related Sculpture', in *Figures from the Past: Studies in Figurative Art in Christian Ireland in Honour of Helen M. Roe*, ed. by Étienne Rynne (Dun Laoighaire, 1987), pp. 131–58.



Plate 1. Bottom panel on the shaft of the east face of the Cross of the Scriptures, Clonmacnoise (Co. Offaly), showing two figures holding a rod or staff between them. (photo: E. FitzPatrick)

secondary.³⁷ This scene has been variously interpreted as King Diarmaid and St. Ciarán planting a stake to delineate the ecclesiastical boundary of Clonmacnoise, or King Flann and the Abbot Colman founding the cathedral at the site. Harbison prefers to see it as purely scriptural: Joseph interpreting the dream of Pharaoh's Butler.³⁸ However, an earlier drawing of this face of the cross by Henry O'Neill, dated 1857 (fig. 1), depicts the stick or staff, held between the two figures, as a blossoming rod, a bunch of leaves clearly sprouting from its top. The details of the rod are now so degraded that it is impossible to tell whether O'Neill's depiction is accurate, or simply what he chose to see. Consequently any interpretation based upon it is highly conjectural. Nonetheless, it is tempting to suggest that in this panel Flann Sinna and the Abbot Colman hold between them Flann Sinna's 'blossoming rod of kingship', his *virga Aaron*, symbolic of his being appointed by God to rule, with the support of the Church. If the instrument depicted on the Cross of the Scriptures was intended as a 'rod of kingship', the tentative possibility follows that Flann Sinna may have been handed his *slat na righe* by the *comharba* of Ciarán at Clonmacnoise. If so, the rod may have actually been cut from a sacred tree growing at the monastic site.

The curious *deiseal* or rite of the ceremonial turn was a particular feature of the Irish medieval inauguration ceremony. The Tudor adventurer Edmund Spenser noted its performance as late as the sixteenth century. According to him, the chief-elect stood on an inauguration stone. On descending from it, following his proclamation, the newly elected royal turned himself round 'thrice forward and thrice backwards'.³⁹ There are a few documented instances of the performance of the *deiseal*, namely in the inauguration ceremonies of the Ó Dubhda King of Uí Fhiachrach and in those of the kings of Bréifne and Leinster (see below). The performance of the ceremonial turn is mentioned in a mid-thirteenth-century elegy for the chiefs Maghnus and Eachmharcach Ó Catháin. The poet, reminiscing on his boyhood days spent with Eachmharcach, describes how they once played at king-making on a mound:

We, and the king on a mound which he disgraced not
Going thrice around it (*or* 'around him').⁴⁰

Dillon proposed that the Irish *deiseal* might in some way be compared with a gesture in the Indian *rajasuya*, where the king walked towards each of the five regions of his territory (to the north, south, east, west, and centre), to symbolize the extent of his dominion. There may be some underlying analogy with the Irish rite in this act, in the

³⁷ Peter Harbison, *The High Crosses of Ireland*, 3 vols (Bonn, 1992), I, 49.

³⁸ *Ibid.*

³⁹ *A View of the Present State of Ireland by Edmund Spenser*, ed. William L. Renwick (Oxford, 1970), p. 7.

⁴⁰ John O'Donovan, ed. and trans., 'Fearghal Og Mac an Bhaird's poem on the Battle of Dun, in 1260', in *Miscellany of the Celtic Society*, ed. by John O'Donovan (Dublin, 1849), 404–15 (p. 409).

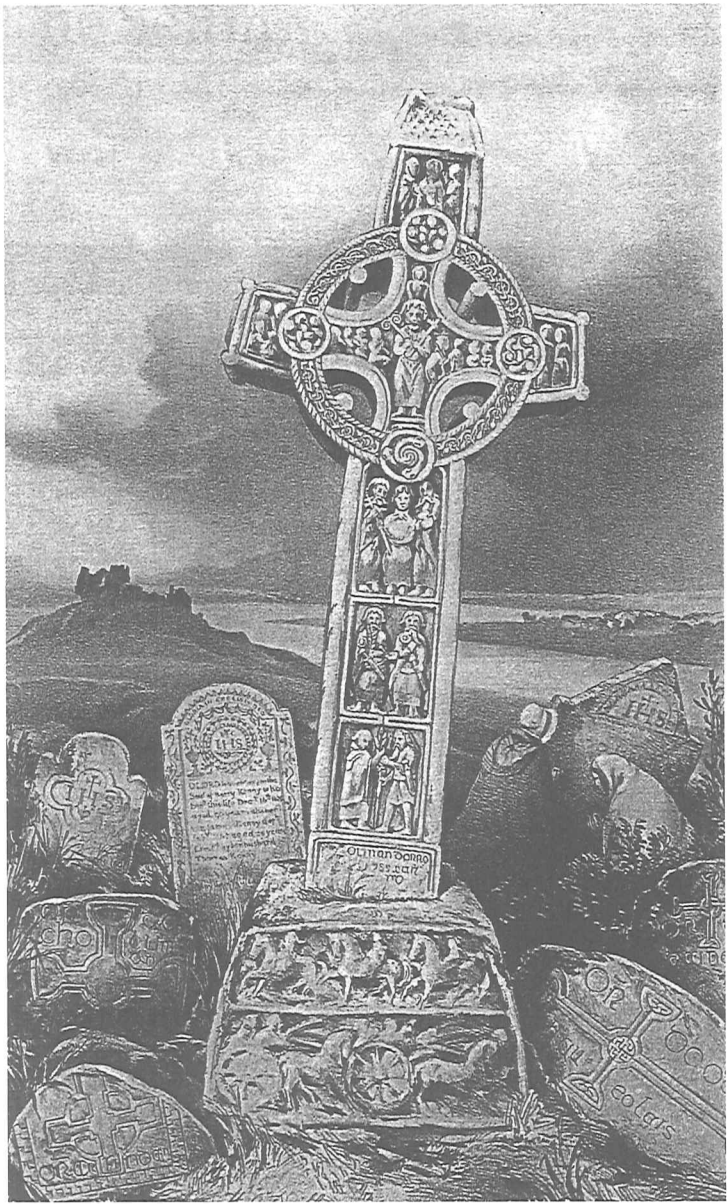


Figure 1. Henry O'Neill's drawing of the east face of the Cross of the Scriptures, Clonmacnoise, 1857. The bottom figurative panel of the shaft of the cross shows the individuals holding a rod or branch, which terminates in a bunch of leaves. (From *Illustrations of the Most Interesting of the Sculptured Crosses of Ancient Ireland, Drawn to Scale and Lithographed by Henry O'Neill* (London, 1857).)

sense of the king or chief-elect spinning around to view his territorial bride, but it is clearly not a cosmical rotation which is practised in the *rajasuya*. The *deiseal* is not peculiar to the Irish medieval inauguration ceremony. In his Latin chronicle *Liber Certarum Historiarum*, Johann, abbot of Viktring (1312–45/47) recorded that a ceremonial turn was integral to the investiture ceremony of the medieval dukes of Carinthia in southern Austria. After taking possession of the inauguration stone, the duke apparently turned around on it, swinging the sword to the four cardinal points — an act combining the auspicious clockwise rotation with the gesture of delimiting the extent of his territorial dominion.⁴¹ The intervention of ecclesiastics in medieval inauguration assembly in certain instances altered both the manner in which this rite was performed and its symbolism. A Christian reliquary was introduced into the inauguration ceremonies of the kings of Bréifne and Leinster. The earliest documented evidence for this intervention again occurs in the late-twelfth-century *Life* of Máedóc of Ferns. The *Life* explains that during the inauguration of the King of Bréifne, the twelve *comharbí* of Máedóc carried the shrine called the Brecc Máedóc three times clockwise around the potentate. Similarly, in the en-kinging ceremony of the King of Leinster the *comharba* of Máedóc went three times clockwise round about the royal candidate.⁴² The appearance of immutability was imperative to legitimized royal authority. Despite the ecclesiastical additions to the inauguration ceremony in the form of the altered symbolism of essential props like *slat na ríge* and the use of a Christian reliquary in the performance of the *deiseal*, the perpetuation of long-established secular props and rites served to underpin continuity in royal ritual. The plot and members of the cast sometimes changed significantly, but the same rites and ritual symbols were retained in a form of compromise between royal authority and ecclesiastical intervention.

The Translation of Inauguration Assembly from Secular Sites to the Church

The influence of the Church in the siting of royal inauguration assembly, even if often incomplete and short-lived, is evident in at least three cases in the period from c. 1100 to c. 1400. The dynasties involved were the Uí Chonchobair of Connacht, who had their customary secular king-making site at Carn Fraoich (Co. Roscommon), and the Uí Bhriain and Meic Carthaig kings of Munster, who had their seat and allegedly their inauguration place at Cashel (Co. Tipperary). An entry in an Eóganacht genealogical tract makes claims for the twelfth-century kings of Munster having been proclaimed in Cormac's Chapel on the Rock of Cashel, although the veracity of the claim is

⁴¹ Johannes Abbas Victoriensis, *Liber Certarum Historiarum*, ed. Fedor Schneider, 2 vols, MGH SS rer. Ger., 36 (Hannover, 1909), I, 290–93.

⁴² *Bethada Náem nÉrenn*, ed. and trans. by Plummer, II, 249.

questionable.⁴³ The most intriguing of the three case studies is that of the Uí Dhomhnaill kings of Tír Conaill who, according to tradition, were inaugurated in a secular ceremony on Doon Rock in the wilds of Kilmacrenan (Co. Donegal), before the removal of the ceremony to an ecclesiastical centre.

Before investigating these instances in which the Church apparently attempted to orchestrate king-making ritual, it is necessary to differentiate between coercion, mutually beneficial arrangements, and wishful thinking. In the translation of the en-kinging ceremonies of the Uí Dhomhnaill of Tír Conaill to the respective churches of Ráth Both and Cill Mhic Nenáin, circumstantial evidence suggests that forcible action had been taken by the Bishop of Raphoe to effect this change in the thirteenth century. On the other hand, the kings of Munster and the Ó Conchobhair King of Connacht played a leading role in the promotion of Church reform in twelfth-century Ireland. This suggests that these dynasties may have been setting an example by actually having themselves inaugurated at church sites, or by commissioning propagandist literature to that effect.

The tenth-century saga of Conall Corc equates taking possession of the Rock of Cashel with succession to the kingship of Munster.⁴⁴ In the eleventh-century compilation *Lebor na Cert*, the earlier name for Cashel is given as Síð Druim ('fairy ridge' or 'hill'). Cashel or Caisil itself is explained at the commencement of that text as perhaps deriving from *cais* ('hatred') and *ail* ('rock'), meaning a stone upon which hostages used to be placed. An alternative rendering of the place-name is given as *cís* ('rent') and *ail* ('law'), from the legal rent or tribute paid to the King of Munster by his tribal kings.⁴⁵ The rights and dues of the King of Cashel from his subject tribes and their stipends from him are also listed in detail.⁴⁶ We are left in no doubt that Cashel functioned as a provincial centre at which the king's tribute was collected. Cashel was the seat of the kings of Munster from perhaps as early as the late fourth century through to 1101. Then Muirchertach Ua Briain, the Dál Cais King of Munster, handed it over to the Church at the synod of Cashel.⁴⁷ This apparent magnanimous act by the high-king may, however, have had another motive: to prevent his rivals, the Meic Carthaig, from recovering their ancestral seat of power.⁴⁸ The church buildings on the Rock are largely the result of its gradual transformation, from the twelfth century onwards, into a reforming archiepiscopal see. The central role played by the kings of Munster in the promotion of the twelfth-century reform movement in Ireland has long been recognized.⁴⁹ Under the leadership of Muirchertach Ua Briain, Cashel became a symbol of the reform movement while retaining its important symbolic value as the seat of the kingship of Munster. Both

⁴³ Francis J. Byrne, *Irish Kings and High-Kings* (London, 1973), p. 191.

⁴⁴ Myles Dillon, 'The Story of the Finding of Cashel', *Ériu*, 16 (1952), 61–73 (p. 71).

⁴⁵ *Lebor na Cert*, ed. by Myles Dillon, Irish Texts Society, 46 (Dublin, 1962), pp. 2–3.

⁴⁶ *Lebor na Cert*, ed. by Dillon, pp. 5–43.

⁴⁷ Donnchadh Ó Corráin, *Ireland before the Normans* (Dublin, 1972), pp. 34, 149.

⁴⁸ Byrne, *Irish Kings and High-Kings*, pp. 191–92.

⁴⁹ Ó Riain-Raedel, 'German Influence', pp. 323–30.

Muirchertach and his father Tairdelbach before him, engaged in dialogue with both Henry I and Anselm, archbishop of Canterbury (1033/34–1109), to instigate ecclesiastical reform in Ireland. In addition, the leading Irish cleric Malchus, archbishop of Waterford from 1096, established important links with Irish Benedictine monasteries in Germany. These gave greater impetus to the progress of reform in Ireland.⁵⁰ Contacts with the important Benedictine *Schottenklöster* at Regensburg produced a revised view of Irish kingship through a portrayal of the Ua Briain king in continental terms in the *Life* of Flannán of Killaloe. Ó Riain-Raedel believes this text was reworked at the Regensburg scriptorium between 1160 and 1180. The template for this model of a twelfth-century Irish king was a recension of the *Kaiserchronik* (a text that celebrated Charlemagne and promoted the idea of continuity between the emperors of Rome and the leaders of the German nation) produced by one David, the Iroscottish head of the cathedral school at Würzburg before 1110, who then became the chaplain of Henry V, the German emperor (1086–1125).⁵¹ So great was the appeal of the German imperial idea of kingship, that a genealogical tract in the Irish Book of Lecan prescribed an inauguration rite for the kings of Munster based on that of the German emperor. The tract dates from the period in which the Eóganacht dynasty (rivals of the Uí Bhriain Dál Cais kings) enjoyed a revival under Cormac Mac Carthaig, who patronized the building of Cormac's Chapel on the Rock of Cashel, completed in 1134. The author of the tract writes:

It is in this wise that the kings of Munster should be elected: the twenty-four best chief counsellors in the two Fifths of Munster should choose him, as the German emperor is chosen, and he should be brought to the Stone of Cothraige and to Cormac's great church and there proclaimed king, and be brought to Lis na nUrlann and proclaimed there also.⁵²

The problem with this statement is that it is uncorroborated. It has also been suggested that the pre-eminence given to the liturgical aspect of the portrayal of the Eóganacht inauguration ceremony at Cashel may be more representative of the writer's ideal than any actual practice.⁵³ What it shows, however, is a recognition of the Rock of Cashel, the *caput* of the reform movement in Ireland and the seat of an archbishopric, as the enduring symbol of the kingship of Munster.

The influence of the reform movement and its protagonists is also strongly intimated in the curious translation of the inauguration ceremony of the young Ó Conchobair king-elect of Connacht in 1106, from the traditional king-making site of that dynasty to a church. In a striking departure from secular tradition, in 1106 Tairdelbach Ó Conchobair was made King of Connacht within the termonland or sanctuary lands attached to a church. From perhaps as early as the ninth century the Uí Chonchobair kings of Connacht had been inaugurated at Carn Fraoich. However, in what is the earliest and most

⁵⁰ Ó Riain-Raedel, 'German Influence', p. 324.

⁵¹ Ó Riain-Raedel, 'German Influence', pp. 326–28.

⁵² Byrne, *Irish Kings and High-Kings*, pp. 191–92; Ó Riain-Raedel, 'German Influence', pp. 328–29.

⁵³ Ó Corráin, *Ireland before the Normans*, p. 34.

direct annalistic record of the venue of an Irish inauguration ceremony, the *Annals of the Four Masters* refer to the making of the young dynast of Síl Muiredaig, Tairdelbach Ó Conchobair, as King of Connacht at a place called Áth an Termoinn.⁵⁴ Áth an Termoinn translates as the ford of the termon, which implies a fording point on a river within the termonland of a church site.⁵⁵ The site in question has been tentatively identified as the church of Eas mac nEirc, also known as Es Uí Fhloinn and anglicized Assylin, near Boyle in north Roscommon.⁵⁶ The Ó Conchobair inauguration tract makes it clear that it was the *comharba* of Da Chonna from Eas mac nEirc who above all the ecclesiastics attending had the most important role to play in the king-making ceremony. But it is important to note that the *ollamh* was never replaced by the *comharba* as king-maker. It was the *comharba* who received the newly inaugurated Ó Conchobhair's horse and raiment, and mounted that horse from Ó Conchobhair's back.⁵⁷ An entry in the *Annals of Connacht* dealing with the later inauguration of Feidhlimidh Ó Conchobhair in 1310 (by which time the ceremony was held at Carn Fraoich) stresses the prominent roles played in his inauguration by Mac Diarmada of Magh Luirg (Ó Conchobhair's leading vassal) and the *comharba* of Eas mac nEirc. The entry reads: 'so he [Maelruanaid Mac Diarmada] carried him to Carnfree [Carn Fraoich] and installed him on the mound according to the practice of the saints, and of Da Chonna of Assylin in particular'.⁵⁸ Despite the significant role attributed to churchmen in this entry, by 1310 the reality was, however, that the ceremony was a secular affair both as to its venue and as to the official who acted as kingmaker.

The question arises why the new Ó Conchobhair king was created at a church site or at least at some appointed place within the sanctuary lands of a church? The inauguration at Áth an Termoinn seems also to have been a singular affair, since after 1106 there are no further allusions to Uí Chonchobhair kings being elected there. Indeed, the ceremony was held at to Carn Fraoich as early as 1189,⁵⁹ and after that it was there that royal candidates received their legitimate right to rule.

The inauguration at Áth an Termoinn was the result of the intervention of Muirchertach Ua Briain, king of Munster and high-king of Ireland, behind which perhaps lay two motives. In the first instance, he had a direct hand in the appointment of the young Tairdelbach as King of Connacht. Having intervened in affairs in Connacht

⁵⁴ *Annals of the Kingdom of Ireland by the Four Masters*, ed. and trans. by John O'Donovan, 7 vols (Dublin, 1851), II, 983.

⁵⁵ *Dictionary of the Irish Language*, ed. by Ernest G. Quin (Dublin, 1990), p. 588.

⁵⁶ Elizabeth FitzPatrick, 'The Inauguration of Tairdelbach Ó Conchobair at Áth an Termoinn', *Peritia*, 12 (1998), 351–58.

⁵⁷ Dillon, 'The Inauguration of O'Conor', p. 197.

⁵⁸ *The Annals of Connacht*, ed. and trans. by A. Martin Freeman (Dublin, 1944), p. 223.

⁵⁹ Edmund C. Quiggin, 'A Poem by Gilbride Macnamee in Praise of Cathal O'Conor', in *Miscellany Presented to Kuno Meyer*, ed. by Osborn Bergin and Carl Marstrander (Halle a. S., 1912), pp. 167–77 (p. 169).

throughout his kingship, it was Muirchertach who deposed Tairdelbach's elder brother Domnall in 1106.⁶⁰ Muirchertach may have seen the combination of Tairdelbach's youth and inexperience as an opportunity to mould the royal candidate into a reforming king. His main intention in appointing Tairdelbach to the kingship of Connacht was of course to sustain his own long-standing dominance in Connacht. Muirchertach's pivotal role in the propagation of the Church reform movement may also have encouraged the active involvement of the Church in the inauguration assembly and in the actual translation of the ceremony to the sanctuary lands of a church on this occasion. Tairdelbach himself became a devotee of reform and a worthy patron of the Church. In the 1120s he had a relic of the True Cross (allegedly sent to Ireland by Pope Calixtus II in 1119) enshrined.⁶¹ He also became a benefactor of the monasteries of Clonmacnoise and Tuam, and the raising of Tuam to metropolitan status at the Synod of Kells in 1152 was largely the result of his prestige and influence.⁶²

If 1106 did mark the beginning of a more active role for ecclesiastics in the royal inauguration assembly of the kings of Connacht, the Ó Conchobair ceremony was remarkably secular in its aftermath. As mentioned above, by 1189 inaugurations were being performed at Carn Fraoich, with the *ollamh* Ó Maol Chonaire as kingmaker;⁶³ by the fifteenth century the leading vassal of Ó Conchobair's court, Mac Diarmada of Magh Luirg, had assumed the most potent role in the ceremony.⁶⁴

The final case study takes us into the kingdom of Tír Conaill, in the northwest of Ireland. In a singular account of the king-making ceremony of the kings of Tír Conaill, Gerald of Wales (c. 1146–1223) described an unconventional ritual by which the royal candidate engaged in sexual union with a white mare, after which it was sacrificed (fig. 2). Once the mare had been killed, it was cut up in pieces and boiled in water, and a bath was then prepared for the king from the same solution. As the ceremony proceeded, the king, surrounded by his assembly, ate of the meat of the mare and drank of the broth in which he was bathed, 'not in any cup, or using his hand, but just dipping his mouth into it round about him'. When this 'unrighteous rite' had been carried out, his kingship and dominion had been conferred.⁶⁵ While Gerald's account has been dismissed by some scholars as a fanciful tale related by a propagandist Cambro-Norman,

⁶⁰ FitzPatrick, 'The Inauguration of Tairdelbach Ó Conchobair', pp. 355–56.

⁶¹ Ragnall Ó Floinn, *Irish Shrines and Reliquaries of the Middle Ages* (Dublin, 1994), p. 37.

⁶² Francis J. Byrne, 'The Trembling Sod: Ireland in 1169', in *A New History of Ireland*, 2, ed. by Art Cosgrove (Oxford, 1987), pp. 1–42 (p. 34).

⁶³ Dillon, 'The Inauguration of O'Conor', p. 197.

⁶⁴ *Annals of the Kingdom of Ireland by the Four Masters*, ed. and trans. by O'Donovan, IV, 1015.

⁶⁵ Gerald of Wales, *Topographia Hiberniae*, ed. by John J. O'Meara, 'Giraldus Cambrensis in Topographia Hibernie', *Proceedings of the Royal Irish Academy*, 52 C (1949), 113–78 (p. 168), translation: *The History and Topography of Ireland*, trans. by John J. O'Meara (Harmondsworth, 1982), p. 110.



Figure 2. Inauguration rite of the kings of Tír Conaill as portrayed by Gerald of Wales in his *Topographia Hiberniae*. (Drawing from *The History and Topography of Ireland*, ed. and trans. by J. J. O'Meara (Harmondsworth, 1982), based on an original in Giraldus Cambrensis, *Topographia Hiberniae*, NLI MS 700.)

others believe that comparative evidence lends some credibility to it, and that it may represent a memory of the survival of the ceremony in a relict area.⁶⁶ This account later became the subject of much contention among seventeenth-century Irish scholars. Philip O'Sullivan Beare, in his *Zoilomastix*, written in 1625–26, prescribed a 'sanctissimus ritus' for the kings of Tír Conaill instead of Gerald's unsavoury rite. According to O'Sullivan Beare, the Cenél Conaill inauguration had always taken place in the church of St. Colum Cille at Kilmacrenan (Cill Mhic Nenáin) in north Donegal. The ceremony had involved the sacraments of Confession and Eucharist and the consecration of the rod of office. Afterwards, the king-elect left the church, mounted a horse, received the rod of office, and was acclaimed king.⁶⁷ The great dichotomy between the two accounts can be resolved to a certain extent through an investigation of the increasing interference of the Church in the affairs of Tír Conaill in the thirteenth century.

The Uí Dhomhnaill are attributed no less than three inauguration places within Tír Conaill. Supplanting one venue by the next suggests a sequence of movement from the traditionally cited Doon Rock to the church at Ráth Both (Raphoe, Co. Donegal) in the mid-thirteenth century, and from there to Cill Mhic Nenáin (Kilmacrenan).⁶⁸ An examination of this progression reveals that the church wielded a potent and transforming influence over inauguration practices within the kingdom of Tír Conaill.

The earliest reference to the venue of an Ó Domhnaill inauguration is for the year 1258 when in a eulogy written for Domhnall Óg Ó Domhnaill by Giolla Brighde Mac Con Midhe, the poet declared that Domhnall was 'kinged [. . .] in Ráth Both in the

⁶⁶ James Stewart, 'Topographia Hiberniae', *Celtica*, 21 (1990), 642–57 (p. 643).

⁶⁷ *Selections from the Zoilomastix of Philip O'Sullivan Beare*, ed. by Thomas J. O'Donnell (Dublin, 1960).

⁶⁸ Simms, *From Kings to Warlords*, pp. 28–29.

spring; the church was filled with us as we made the chief of Creibhlinn king'.⁶⁹ The diocese of Raphoe was coterminous with the kingdom of Tír Conaill, and the twelfth-century cathedral of Ráth Both, in which Domhnall Óg was inaugurated, was built on or near the site of an earlier monastery. The foundation of that monastery is attributed to Colum Cille (Columba of Iona, c. 520/22–97), and Adómnán (c. 624–704) is associated with it from the seventh century onwards.⁷⁰ If indeed the Ó Domhnaill had until now been inaugurated exclusively on Doon Rock (plate 2), this departure requires some explanation. It has been suggested that the choice of Ráth Both as the venue for Domhnall Óg's inauguration may have been influenced by Maol Pádraig Ó Scannail, bishop of Raphoe and reforming Dominican friar. In 1253 he was appointed to that office by the Archbishop of Armagh on the advice of Pope Innocent IV. He was consecrated in the Franciscan friary at Dundalk and subsequently appointed as the archbishop's vicar in the province of Armagh. Ó Scannail's main ambition on his appointment was to rid Tír Conaill of pagan practices and to exercise the authority of his office to the full.⁷¹ Within three years of taking up office he complained to the pope of the persistence of idolatry in Tír Conaill. He obtained authority from Alexander IV in 1256 to use ecclesiastical censures against those laymen in the diocese of Raphoe who worshipped idols.⁷² With the bishops' distaste for pagan ritual and the threat of ecclesiastical sanctions, it is conceivable that any references to past barbarous inauguration rites — or indeed the sites with which those practices were associated — were either abandoned outright or at least suspended on what could be described as the summoned inauguration of 1258.

After 1258 there are no subsequent historical references to Ráth Both as the venue for Uí Dhomhnaill inaugurations. From 1399 onwards, Cill Mhic Nénáin, which lies two miles east of Doon Rock, is cited as the inauguration place of both the Uí Dhomhnaill and their vassals the Mic Shuibhne. According to the early-sixteenth-century tract *Craobhsgaoileadh Chlainne Suibhne*, following a succession dispute among the Mic Shuibhne, Toirdhealbhaich Caoch Mac Suibhne was nominated by Ó Domhnaill at Cill Mhic Nénáin in 1399. The tract says that 'he was the first Mac Suibhne whom Ó Domhnaill ever inaugurated', and that traditionally the Mic Shuibhne, 'as long as they remained in Scotland', were inaugurated on Iona by the successor of Colum Cille. However, when 'they were not at enmity with one another' the *airchinneach* Ó Firghil performed the ceremony. The tract goes on to say that 'no Mac Suibhne was ever proclaimed except in Columcille's precinct, and if any were inaugurated elsewhere, he

⁶⁹ *The Poems of Giolla Brighde Mac Con Midhe*, ed. by N. J. A. Williams, Irish Texts Society, 51 (Dublin, 1980), p. 107.

⁷⁰ Aubrey Gwynn and Richard N. Hadcock, *Medieval Religious Houses in Ireland* (Harlow, 1970), p. 94.

⁷¹ Simms, *From Kings to Warlords*, pp. 27–29.

⁷² *Pontificia Hibernica: Medieval Papal Chancery Documents Concerning Ireland, 640–1261*, ed. by Maurice P. Sheehy, 2 vols (Dublin, 1962–65), II (1965), 251.



Plate 2. Doon Rock, Kilmacrenan (Co. Donegal)
(courtesy of The National Library of Ireland, NLI MS 9331. W.L.).

could not be long in power'.⁷³ The real significance of this statement lies in the disclosure of Cill Mhic Nenáin as their place of inauguration and the introduction of the overlord Ó Domhnaill as nominator of the Mac Suibhne. In the later medieval period it became a common and general trend for the chiefs of leading vassal families to be nominated by their overlords.⁷⁴

The first reference to the inauguration of an Ó Domhnaill at Cill Mhic Nenáin is for the year 1461, when Aodh Ruadh Ó Domhnaill went to Cill Mhic Nenáin and was 'styled lord after the lawful manner'. In turn, he nominated Maolmhuire as the Mac Suibhne of Fanad.⁷⁵ The testimony of historical records suggests that Cill Mhic Nenáin church was consistently used as the inauguration site of the Uí Dhomhnaill and Mic

⁷³ *Leabhar Chlainne Suibhne*, ed. and trans. by Walsh, p. 51.

⁷⁴ Simms, *From Kings to Warlords*, p. 30.

⁷⁵ *Annals of the Kingdom of Ireland by the Four Masters*, ed. and trans. by O'Donovan, IV, 1011–13; *Leabhar Chlainne Suibhne*, ed. and trans. by Walsh, p. 61.

Suibhne from at least as early as 1399 through to 1603. Why and precisely when it came to be chosen for the ceremony is conjectural. The Ráth Both inauguration of 1258 seems to have marked a watershed or turning point in the venue and nature of the Uí Dhomhnaill ceremony under Bishop Ó Scannail's influence. The church at Cill Mhic Nenáin may have been selected in the aftermath of Ráth Both because of its proximity to the older secular assembly site at Doon Rock, and more pertinently because of the long association of the Uí Dhomhnaill with that Columban foundation. The district of Cill Mhic Nenáin was the ancestral homeland of the Uí Dhomhnaill. The strong devotion of the Cenél Conaill to Colum Cille, who was allegedly fostered in the monastic church of Doire Eithne or Cill Mhic Nenáin, is also well attested.⁷⁶ In 1090, for example, the King of Tír Conaill sent the relics of the saint along with 120 ounces of silver to the monastery of Kells (Co. Meath), to be enshrined.⁷⁷ The late-eleventh-century Shrine of the Cathach, which enclosed the manuscript of that name, was used as the battle standard of the Uí Dhomhnaill. According to Manus O'Donnell, the Cathach was encased in gilded silver and was deemed 'Colum Cille's chief relic in the land of Cineal Conaill Gulban'. If taken 'thrice right-hand wise round the host of Cinel Conaill, when about to engage in battle', they always returned safe in triumph. O'Donnell also explained that 'it is on the bosom of a comarb or a cleric [. . .] that it should be borne round the host'.⁷⁸ A favourable comparison can be made between the use of the Shrine of the Cathach as a talisman of the Uí Dhomhnaill, and the Shrine of Máedóc or *Brecc Máedóc*. The latter, when carried clockwise round the men of Bréifne, would ensure their safe return. As noted earlier, it was also used in the performance of the *deiseal* in the Bréifne en-kinging ceremony.⁷⁹ Considering the special significance attached to the Shrine of the Cathach by the Uí Dhomhnaill, it is conceivable that it may also have been employed during the inauguration ceremony of Ó Domhnaill.

In the only somewhat detailed seventeenth-century accounts of the inauguration rite at Cill Mhic Nenáin, written by Lughaidh Ó Cléirigh and Dom Philip O'Sullivan Beare, the liturgical form of the rite is emphasized. Ó Cléirigh stressed the historical significance of Cill Mhic Nenáin as the place where Colum Cille, 'the renowned saint of Cenél Conaill was fostered', and where the Ó Domhnaill was inaugurated in the chieftaincy of his territory.⁸⁰ Ó Cléirigh couched his description of the rite in language that suggests

⁷⁶ *Betha Colaim Chille: Life of Columcille*, ed. by A. O'Kelleher and Gertrude Schoepperle (Urbana, 1918), p. 41.

⁷⁷ Ragnall Ó Floinn, 'The 11th and 12th-Century Renaissance in Metalwork', in *The Illustrated Archaeology of Ireland*, ed. by Michael Ryan (Dublin, 1991), pp. 163–66 (p. 166).

⁷⁸ Henry J. Lawlor, 'The Cathach of St Columba', *Proceedings of the Royal Irish Academy*, 33C (1916–17), 241–443 (pp. 322–23).

⁷⁹ *Bethada Náem nÉrenn*, ed. and trans. by Plummer, II, 196–97.

⁸⁰ *Beatha Aodha Ruaidh Uí Dhomhnaill: The Life of Aodh Ruadh O Domhnail transcribed from the Book of Lughaidh Ó Cléirigh*, ed. and trans. by Paul Walsh and Colm O Lochlainn, 2 vols (Dublin, 1948–57), I (1948), 39.

familiarity and long-standing practice. In 1592 the *archinneach* Ó Firghil performed the ceremony of naming Aodh Ruadh, the Ó Domhnaill 'in the legal way that was the custom of his nation until now'. Afterwards, the clergy went on to 'supplicate the Lord on his behalf and to sing psalms and hymns in honour of Christ and of Colum [. . .] for the success of his sovereignty, as was usual with them'.⁸¹ By the sixteenth century, the ceremony conducted by Ó Firghil was the undisputed customary inauguration rite of the Uí Dhomhnaill. Liturgical elements such as supplication and the singing of psalms and hymns were not considered unusual, but integral to the ceremony as a whole. In his *Historiae Iberniae Compendium* and later in his *Zoilomastix*,⁸² O'Sullivan Beare also stressed the ecclesiastical character of the ceremony. However, he reversed the sequence of events and introduced elements not mentioned in Ó Cléirigh's description. According to O'Sullivan, the ceremony commenced with a Mass during which the rod of office was consecrated. The chief-elect then received the sacrament of Confession and after he had received the Eucharist he swore to profess and uphold the Catholic faith. A secular rite took place outside the church with Ó Domhnaill leading the assembly there, mounting a horse, receiving the rod of office, and being proclaimed and acclaimed as the Ó Domhnaill.⁸³ John O'Donovan took issue with parts of O'Sullivan's account. He believed that the idea of the chief-elect swearing to uphold the 'Catholic faith' during the inauguration ceremony was anachronistic and that there was no evidence to believe that the rod of office was consecrated before it was handed to the chief. Most of the earlier accounts of inauguration rites placed that function in the hands of the *ollamh* or poet.⁸⁴ Both O'Donovan and Mac Cana point out that the *Zoilomastix* was essentially a propagandist work. Its primary intention was to 'rouse the Spaniards to sympathy with the Irish'. Therefore, it cannot be taken as an entirely reliable account of the medieval Uí Dhomhnaill inauguration rite and its religious ceremony.⁸⁵ Additional seventeenth-century commentary on the rite was provided by Geoffrey Keating in his *Foras Feasa* of c. 1620 and by John Lynch in his *Cambrensis Eversus* published in 1662. In Lynch's version of events, at an inauguration all assembled 'on the appointed hill [. . .] one of the lords arose, and holding in his hands a white wand [. . .] he presented it to the chieftain elect'.⁸⁶ Similarly, Keating claimed that Ó Domhnaill was inaugurated 'seated

⁸¹ *Beatha Aodha Ruaidh*, p. 41.

⁸² Proinsias Mac Cana, 'Review of Selections from the *Zoilomastix* of Philip O'Sullivan Beare', *Celtica*, 6 (1963), 290–92 (p. 290).

⁸³ *The Genealogies, Tribes and Customs of Hy-Fiachrach*, ed. by John O'Donovan (Dublin, 1844), p. 439.

⁸⁴ *The Genealogies, Tribes and Customs*, ed. by O'Donovan, pp. 439–40.

⁸⁵ *The Genealogies, Tribes and Customs*, ed. by O'Donovan, p. 439; Mac Cana, 'Review of Selections from the *Zoilomastix*', p. 292.

⁸⁶ John Lynch, *Cambrensis Eversus*, ed. by Matthew Kelly, 3 vols (Dublin, 1850), III, 341–43.

in the midst of the nobles and council of his own territory [. . .] a chief of the nobility of his district' standing before him 'with a straight white wand in his hand'.⁸⁷

There is clearly no consensus among the four seventeenth-century commentators on the procedure and content of the inauguration ceremony and assembly at Cill Mhic Nenáin. Taking Ó Cléirigh's account as probably the most reliable of the four, an attempt can be made to reconstruct what may have taken place. The role of the *archinneach* Ó Firghil as officiator is not in dispute, as this is well attested in the Irish chronicles. Ó Cléirigh reveals that there were two parts to the ceremony. First, there was a rite performed by Ó Firghil either within the church or possibly on a reputed footprint stone in the churchyard where the *archinneach* handed the chief-elect his rod of lordship. This was followed by the purely liturgical supplication and psalm-singing performed within the church. In O'Sullivan Beare's somewhat jumbled and in part fabricated commentary, and in Keating's contradictory account, a distinction is made between a secular rite performed, as both state, outside the church by 'one of the lords'.

Circumstantial evidence suggests that probably a secular Cenél Conaill rite was practised at Doon Rock until it was effectively, but perhaps temporarily, arrested by Bishop Ó Scannail's en-kinging of Domhnall Óg Ó Domhnaill at Ráth Both in 1258. Domhnall's predecessor Gofraid may have been the last Ó Domhnaill to be inaugurated at the traditional site ten years previously, in 1248. But there is a gap of almost 150 years, unaccounted for in historical records, between the Ráth Both ceremony and the first reference to an inauguration taking place at Cill Mhic Nenáin in 1399. In effect, there is no evidence to suggest that Cill Mhic Nenáin was adopted as the Ó Domhnaill place of inauguration immediately after Ráth Both. Curiously, although over a dozen members of the Uí Dhomhnaill assumed the chieftainship between the end of the thirteenth century and the end of the fourteenth century, the Irish chronicles are silent concerning the venue of their respective inauguration ceremonies. In the circumstances, the abandonment of Doon Rock in favour of the church site of Cill Mhic Nenáin may have been a more gradual process.

Conclusion

An influential ecclesiastical presence in Irish royal assembly is well documented for the early medieval period and more particularly during the ninth century at the *rigdála* favoured by the Southern Uí Néill high-kings. However, where most medieval royal inauguration ceremonies are concerned, the church came to the secular king-making site rather than the king to the church. The case studies explored in this paper must be seen as the exception rather than the rule. They reveal that, when ecclesiastical intervention in royal inauguration assembly and ceremony did occur, it was somewhat uneven, often short-lived and at most a presence rather than an effective transforming influence. The

⁸⁷ Geoffrey Keating, *Foras Feasa ar Éirinn*, ed. by David Comyn and Patrick Stephen Dinneen, 4 vols, Irish Text Society, 4, 8, 9, 15 (London, 1902–14), IV (1902), 21–24.

authority of the Church in inauguration ceremony was only cathartic when an ecclesiastic actually acted as kingmaker by handing the principal ritual object — *slat na righe* — to the royal candidate. In such instances, the symbolic value of the rod of kingship altered and implied an authority conferred by God with the support of the Church. But as has been shown here, while an ecclesiastical attendance at inauguration assembly was common, the role of kingmaker mostly remained firmly in the hands of the *ollamh*. The only recorded instances in which churchmen acted as kingmakers concern the en-kinging ceremonies of the royal candidates of Bréifne, Tír Conaill, and Uí Mhaine. The introduction of the use of shrines into king-making ritual, attested only in the late-twelfth-century *Life* of Máedóc of Ferns, apparently changed the symbolism and performance of the *deiseal* or ceremonial turn in the Bréifne and Leinster ceremonies. In these instances the *deiseal* was performed not by the royal candidate, but by churchmen carrying the Brecc Máedóic. It could also be said that this nuance added a piece of lasting royal regalia to the ritual props of king-making ceremonial, which otherwise apparently employed ephemeral objects. The translation of inauguration assembly from long-established secular venues to church sites was a rare occurrence. It was either influenced by the involvement of kings in the twelfth-century reform movement or caused by ecclesiastical censure. The political dominance of Muirchertach Ua Briain in Connacht led to his appointment of Tairdelbach Ó Conchobair as King of Connacht; his role as protagonist in the reform movement most likely influenced the choice of venue for Tairdelbach's en-kinging ceremony in 1106. However, as we have seen, this action did not set a pattern for future Uí Chonchobair inauguration ceremonies. From the end of the twelfth century, royal candidates of that dynasty were chosen at Carn Fraoich, a small mound set in an essentially prehistoric ritual landscape. In what was apparently a troublesome transition, the Uí Dhomnaill of Tír Conaill appear to have succumbed to the pressure exerted by the Bishop of Raphoe in 1258. In that year a king of the dynasty was created in the cathedral of Raphoe. The translation, however, appears to have been an uneasy one. By the late fourteenth century the Uí Dhomnaill and Mic Shuibhne had resumed royal election assemblies in their heartland of Kilmacrenan.

Consensus and Assemblies in Early Medieval Central and Eastern Europe

JÁNOS M. BAK with PAVEL LUKIN

The existence of assemblies and the notion of consensus established through them in early medieval central Europe can be discussed on two levels. First, elements of them may be sought in the relatively sparse material that may be styled legislation. Second, it is possible to examine narrative texts that speak about assemblies and consensus, though usually as ideals, legends, or — *sit venia verbo* — ideology. A third possible approach, seeking evidence from charters such as *placita* for the actual working of assemblies establishing consensus, is not feasible, for there are no such records from this part of Europe before the thirteenth century, and even then there are too few for any conclusions to be drawn from them.

In central Europe, ‘early medieval’ refers to the tenth and eleventh centuries. That was the time when more or less institutionalized polities (‘states’) emerged east and north of the two empires, the Romano-German and the Byzantine. Thus, there is a kind of time lag in comparison with western and west-central Europe, where the subject of assemblies can be studied for several centuries before the end of the first millennium. However, as will be shown, the ‘ideological’ texts written in the twelfth and thirteenth centuries refer to an earlier — almost legendary — time, supposed to have preceded the establishment of Christian monarchies or to have followed soon after. To what extent do these narratives reflect ancient events (stories about which may have been passed on to their authors by oral tradition) rather than the notions of the time of their writing? This question needs to be considered, though it is unlikely that it can be decided.

As for laws, the evidence is also very slim. Actual collections of legal norms datable to the eleventh century are known from texts dating from one or more centuries later, and have only survived from the Kievan Rus’ and the kingdom of Hungary. Reference to lawgiving is contained in a narrative for the early Bohemian state as well, but no text has survived, even in later versions.

References to assemblies and consensus therefore have to be sought in the so-called Laws of St Stephen (from around 1030–40) and St Ladislav (from around 1090) from Hungary,¹ and in the description of a legal enactment of Duke Břetislav datable to c. 1039 from Bohemia (as reported by Cosmas of Prague, writing around 1100).² The older versions of the *Russkaya Pravda* of Kiev³ (dating from the mid-eleventh century) do not contain any reference to the approval of laws by anyone but the ruler and a few named members of his immediate retinue.⁴ However, the narrative sources do refer to important general meetings of inhabitants of early Russian towns, the so-called *veche*, which are discussed later.

In the two books of the *Decreta S. Stephani Regis* a few references to consensus are found, although the Preface — which in other documents usually has some such formula — does not refer to any other will but that of the king himself. The ruler speaks in the plural, but it is *pluralis maiestatis*. In Stephen I, 20 the prohibition of accepting servants' testimony against their lords is called a 'decretum regalis concilii';⁵ in chapter 31 the king speaks of a 'decretum secundum regalem senatum' (about thefts of women);⁶ otherwise the text has only *regale decretum*. That laws were enacted in gatherings of powerful men, both lay and spiritual, is explicitly stated in the preambles of the laws of the late eleventh century. The so-called Book I of St Ladislav — in its bulk ecclesiastical legislation — was issued by what might be termed a 'mixed synod' composed of all the bishops and abbots of his realm, with the addition of the secular

¹ *Decreta Regni Mediaevalis Hungariae: The Laws of the Medieval Kingdom of Hungary*, ed. and trans. by János M. Bak, György Bónis, and James R. Sweeney, 2nd rev. edn., The Laws of Hungary, 1.1 (Idyllwild, 1999) (henceforth: *DRMH*).

² The so-called decree of the Czech Duke Břetislav I Přemysl, as summarized by Cosmas of Prague in his *Chronica Boemorum*, ed. by Bertold Bretholz and Wilhelm Weinberger, *Die Chronik der Böhmen des Cosmas von Prag (Cosmae Pragensis Chronica Boemorum)*, MGH *Scriptores rerum Germanicarum*, Nova series, 2 (Berlin, 1923), pp. 86–88; for its context, see Alexander Gieysztor, 'Le fonctionnement des institutions ecclésiastiques rurales en Bohême, en Pologne et en Hongrie au X^e et XI^e siècles', in *Cristianizzazione ed organizzazione ecclesiastica delle campagne nell'alto medioevo: Espansione e resistenze*, 2 vols, *Atti delle settimane di studio del Centro Italiano di Studi sull'Alto Medioevo*, 28 (Spoleto, 1982), I, 931–33.

³ *Russkaya Pravda*, ed. by Boris D. Grekov (Moscow, 1940), now available in a bilingual edition, *The Laws of Rus': Tenth to Fifteenth Centuries*, ed. and trans. by Daniel H. Kaiser, with a Foreword by Richard Hellie, The Laws of Russia, 1.1 (Salt Lake City, 1992).

⁴ It is only in the so-called 'Expanded Redaction' of the early twelfth century we read that (c. 1113–25) Prince Volodimer Vsevolodich established a number of articles 'having convoked his retinue at Berestovo' and lists six members of this 'retinue' (*druzina*); see *The Laws of Rus'*, ed. and trans. by Kaiser, p. 26.

⁵ *DRMH*, I, 20.

⁶ *Ibid.*, p. 7.

magnates, and with the entire clergy and the people as its witnesses.⁷ Book II of the Laws of King St Ladislav opens with the preamble

We, the magnates of the kingdom, held an assembly on the Holy Pannonian Mountain and sought to determine how to prevent the deeds of evil men and how to promote the affairs of our people.⁸

Subsequently, chapter 1 says that ‘omnium iureiurando constituimus’ a law against noblemen caught in theft.

An influential semi-legal text, the so-called *Institutio morum Sancti Stephani regis* (a prince’s mirror, but one that has been for centuries included in legal collections as the ‘First law of St Stephen’)⁹ explicitly emphasizes the role of the council, and thus the consensus of a selected group of men. Its chapter 7 enjoins the prince to keep counsel with the older and wiser men, not with the stupid, arrogant, and mediocre ones, without, however, fully neglecting the counsel of youth either.¹⁰ The chapter contains both expressions, *consilium* and *senatus*, just as does the collection of decrees. While not making clear to what extent this council should have a decisive voice, the first sentence is quite explicit about the ‘magnitudine consilii’ of the chapter title:

For by council are kings established, kingdoms governed, countries defended, battles decided, victories won, foes repelled, friends gained, cities built and the castles of the enemy destroyed.¹¹

Another kind of consensus is that of smaller communities regarding evil-doers. In the Second Law of King Ladislav, chapter 4 describes procedures for the purgation of someone accused as a thief by a whole village.¹² The consensus of ‘tota villa’ seems to have

⁷ ‘Canons of the Synod of Szabolcs 20 May 1092’, *ibid.*, p. 53. A parallel to such a mixed gathering (of course, typical for earlier medieval meetings, for instance, in Carolingian times) can be also found in Bohemia: Cosmas, *Chronica*, II, c. 30, p. 125 reports that a papal legate in 1073 called a meeting of ‘omnes principes terre simul et abbates ac prepositos ecclesiarum’.

⁸ *DRMH*, I, 12.

⁹ *Libellus de institutione morum*, ed. by Emericus Balogh, in *Scriptores rerum Hungaricarum tempore ducum regumque stirpis Arpadianae gestarum*, ed. by Emericus Szentpétery, 2 vols (Budapest, 1937–38; repr. 1999) (henceforth: *SRA*), II, 611–28.

¹⁰ An interesting instance of precisely this dichotomy is reported by the anonymous author of the *Gesta principum Polonorum: Deeds of the Princes of the Poles*, III, c. 22, trans. and annotated by Paul W. Knoll and Frank Shaer, *Central European Medieval Texts*, 3 (Budapest, 2003), p. 259. The Anonymous (who wrote 1113–17) tells us about a meeting of the council under King Bolesław III Wrymouth of Poland (965/967–1025) in which it was to be decided whether to return from a campaign in Bohemia or march against Prague. The *seniores* counselled return, the *ivenes* attack, and the decision (for return) was reached only after long debate between the two sides.

¹¹ So far philological research did not find any model for this eloquent statement (just as to many other passages of the *Admonitio*, as this writing is called in the *Life* of St Stephen), but in general Carolingian examples have been cited.

¹² *DRMH*, I, 13.

had the power to denounce a thief, who then could clear himself from the accusation by undergoing the ordeal. It is worth noting, though, that this somewhat primitive local consensus appeared inappropriate a century later. The Golden Bull of Andrew II (1222) decreed that 'populi coniurati in unum fures nominare non possint'.¹³ One might speculate that the social transformations of the late twelfth and early thirteenth centuries (which caused the new stratum of royal servitors to emerge, and broke up the old servile villages), had seriously changed the homogeneity of the settlements. The archaic consensus among their members appeared as unreliable and open to abuse.

For neighbouring Bohemia no actual legal text survives from the early centuries. The so-called Decree of Duke Břetislav as recorded by Cosmas of Prague has been challenged by some as mere rhetoric.¹⁴ Although there is little supporting evidence for its authenticity, its contents fit nicely alongside the early sets of commands issued by Christian princes elsewhere. They regulate marriage, attempt to reduce violence and drunkenness, and prohibit work on the Sabbath. There is good reason to believe that some such decree was, indeed, issued by the duke. However, the assembly in which consensus would have been established is even more restricted here than in the references to the councils of the Hungarian kings. In Book II, 4, the chronicler reports that the duke and his *comites* (in the given context best translated as members of his retinue, the great men of the realm, as in the *Russkaya Pravda*) came together at the grave of St Adalbert, whose relics shortly before had been brought to Prague from Gniezno. There the ruler, in concert with Bishop Severus (Šebír), addressed his *comites* thus: 'Do you want to mend your ways and abandon evil works?' This they agreed to do. Then the duke extended his hand over the holy shrine and requested that they do the same and swear to observe his 'primum maximum decretum'. After that the duke announced his commands, which the prelate approved one by one before anathematizing those who would act against them.¹⁵ There is no further reference to the oath or approval even of the *comites* initially addressed. Still, as was stated, the entire law-giving process started with their agreement to mend their ways. Other assemblies, not connected with law-giving, are reported by Cosmas as well; they are discussed below.

Little can be found in the few surviving laws, those reported at second-hand, or other similar enactments, to suggest the existence of regular assemblies, or that of a wider circle of consenting persons. All that can be seen are instances comparable to the *curia regis* of the western European kingdoms. The monarch's command occasionally supported by the presence or participation of some great men of the realm and ecclesiastical dignitaries seems to have been the prevailing form.

¹³ C. 6, *ibid.*, p. 33.

¹⁴ A fairly similar text was found in a thirteenth-century manuscript of the chapter of Olomouc; cf. Václav Vaněček, 'Nový text (varianta) dekretů Břetislavových z r. 1039' [A new textual variant of the decree of B. of 1039], *Slavia Antiqua*, 3 (1951–52), 132–34, which seems to support the authenticity of the chronicler's report.

¹⁵ Cosmas, *Chronica*, II, c. 4, p. 87.

In contrast, the narratives from the twelfth and thirteenth centuries contain quite elaborate images of alleged consensus among all freemen. Assemblies are postulated for the early centuries of the people whose histories they intend to tell; the authors also talk about more recent, historically more probable, assemblies at which common decisions, by consensus, are supposed to have been taken.

Cosmas of Prague has the well-known story of an idyllic Golden Age of the Czechs, in which he stressed communal property, lack of social differentiation, and formal consent to decisions about leadership. Both the election of the seer Libuše and her later removal and replacement by a chosen duke, the legendary Přemysl, was done by the 'commune consilium' of 'omnis illa gens'.¹⁶ Then Cosmas speaks about the fact that 'the people' objected to Libuše's rule, as she was female. They 'convocant cetum, congregant populum; conveniunt simul omnes in unum' to hear her counsel. *Conveniunt in unum* is, of course, a well-known formula with biblical and classical origins.¹⁷ The gathering of the entire population was then told by the sibylline lady that it was easy to make a duke, but that such action had consequences. When she described the new burdens (such as the duty to follow commands, to be subject to diverse servile duties, to be divided in different strata, and so on) it was implied that in the past decisions were taken more 'democratically' than they were going to be in the future. One might say that Libuše was telling them about the end of the primitive consensus they had previously enjoyed, even under her prophetic leadership. The same gathering agreed to follow Libuše's vision and sent out men to find the future duke, still ploughing with his two oxen. They addressed him by saying: 'Domna Libussa et plebs universa mandat' that you come swiftly and assume the office of duke, judge, rector, defender, and sole lord over us.¹⁸ Thus, a kind of *Lex regia* is assumed by Cosmas to have been enacted: the transfer of lordship from the *cetus*, the *plebs universa*, to a ruler.

Besides these 'prehistorical' events, Cosmas reports several political gatherings in the eleventh century, a time for which he may have had good second-hand evidence. The election of Duke Spitigniev in 1055 is said to have been done by 'omnes Boemice gentis [...] communi consilio et voluntati pari'.¹⁹ In 1068, the controversial election of a bishop to the see of Prague seems to have been done in a quite well organized assembly at a place called Dobenina, with the assembled army attending.²⁰ Cosmas gives us a fairly plastic picture: the duke, having called 'populum et proceres in

¹⁶ Cosmas, *Chronica*, I, c. 4, p. 11.

¹⁷ Cf., e.g., Matthew 23. 32.

¹⁸ Cosmas, *Chronica*, I, c. 6, p. 15.

¹⁹ Cosmas, *Chronica*, II, c. 14, p. 103. The meeting may have taken place in a church or in some other ecclesiastical setting, for Cosmas tells us that it was done 'cantantes kyrieleyson'.

²⁰ Political meetings on campaigns with the noble levy in attendance became typical for later Polish diets, many of which passed fundamentally important decrees. That this circumstance may have meant a pressure on the ruler is more than likely.

cetum',²¹ had the members of the ducal family stand next to him, with the clergy and *comites* sitting in a great circle and the *milites* standing around. When the assembled people heard the duke's choice (a German cleric instead of his brother, whom they seem to have favoured) they objected loudly and some cried 'arma, arma!'²² This scene is reminiscent of the sometimes tumultuous meetings in the late medieval Hungarian or Polish diets. Cosmas's report on a *generalis sinodus* of 1110 sounds like an established gathering of *principes*. He speaks of a 'third day' when, 'iam definitis omnibus negociis', a conflict (again about a ducal brother) broke out.²³ The self-assurance with which this assembly is described allows us to assume that such meetings, lasting several days and treating the affairs of the realm, were something of a regular event, at least in the early twelfth century, that is, in Cosmas's own times.

Hungarian chronicles contain several references to important assemblies. The so-called *National Chronicle*, known to us from a fourteenth-century compilation, but regarded as containing passages that may go back as far as the late eleventh century,²⁴ is concerned with different kinds of assemblies in the past. There are several references to the *consilium* of *principes* who came together opposing the purportedly tyrannical rule of King Peter (Orseolo) (1038–46/57) and supporting exiled members of the royal dynasty. In one case the bishops seem to have suggested that the magnates deliberate about the deposition of the disliked ruler.²⁵ However, too little is said for us to conclude anything definite about the assemblies discussed. It is debatable whether it can be called

²¹ The expression *convocare in cetum* occurs several times in the chronicle, and may be taken as a technical term for assemblies of leading men (*principes*, *proceres*). A number of additional examples is listed in Josef Žemlicka, *Čechy v době knížecí 1034–1198* [Bohemia in the ducal age] (Prague, 1997), p. 344, with source references on p. 528. Cosmas, *Chronica*, II, c. 22, pp. 114–15, 'lists' those who seem to have constituted the *cetus* (and were, according to him, entitled to elect the bishop): the highborn, the *proceres* and the counts, and the clergy ('qui sunt in clero meliores').

²² Cosmas, *Chronica*, II, c. 23, p. 115. Actually, armed conflict was finally averted when the duke revised his decision.

²³ Cosmas, *Chronica*, III, c. 34, p. 204.

²⁴ *Chronici Hungarici compositio saeculi XIV*, ed. by Alexander Domanovszky, in *SRA*, I, 219–505. On the complicated issue of the assumed eleventh- and twelfth-century *gesta* that seems to have ended up in the first part of this compilation, see, e.g., Carlile Aylmer Macartney, *The Medieval Hungarian Historians: A Critical and Analytical Guide* (Cambridge, 1953), or Iosephus Deér, 'Quis fuerit fons primigenius gestorum chronicorumque Hungariorum medii aevi ex saec. XI-o oriundus at post depaerditus', in *SRA*, I, 1–11.

²⁵ The chronicler speaks about 'principes Hungarorum et milites consilio episcoporum coveniunt' (*Chronici Hungarici compositio*, c. 72, p. 324), or about 'Hungari congregati', who sent emissaries to the emperor (*ibid.*, c. 76, p. 333), and about 'nobiles Hungarie [. . .] in unum convenerunt, consilioque habito totius Hungarie' who called back the princes from abroad (*ibid.*, c. 81, p. 337), and so on. For the general term 'the Hungarians' compare the references to meetings in the early Rus', below.

an assembly that was constituted by the 'multitude of Hungarians' which, in 1046, gathered in a castle in the northeast of the kingdom to welcome the Árpáadian princes returning from exile, and then requested that they allow the Hungarians to resume their pagan customs. This developed into what is usually defined as a 'pagan uprising'.²⁶

In 1060 King Béla I himself called an assembly: 'The [. . .] king sent messengers across all of Hungary to call two *seniores* able to speak up from every village *ad regis consilium*'.²⁷ This assembly, too, turned into an anti-Christian revolt and had to be put down by force. Still, the self-assured tone of the chronicle about the popular assembly renders credible the existence of some kind of tradition of general assemblies which may have survived after the establishment of monarchical rule — even if we hear only about this aborted one. It also evokes the rather utopian descriptions by later chroniclers discussed below.

The alleged ancient assemblies described by the Hungarian Anonymus (probably writing around 1200)²⁸ belong in the same category as those of Cosmas. His *Gesta* were aimed mainly at establishing venerable genealogies for the great noble families of his age, but he clearly recorded some gentile traditions about the Hungarians' past (even if in his preface he disparages the 'silly songs of minstrels').²⁹ The most influential of his tales concerned the election of a duke and the contract among the chieftains of the Magyars, sealed 'more paganismo' by swearing an oath over their blood poured into a vessel.³⁰ According to this, the '*principales personae*' of the Hungarians elected Almus (Álmos) (819/20–95) as their leader, '*communi et vero consilio*'. They swore to divide among themselves any newly conquered land, only to elect leaders among the descendants of Almus, and to punish any traitor of the now established dynasty by shedding his blood as they did their own. Finally, if any successor of the duke were to infringe upon this contract, he would be anathema for ever. This 'assembly' consisted only of the leading persons. Thus, maybe this (legendary) instance should be counted as a precursor of later dualist agreements between magnates and king, or *Herrschaftsverträge*, for which there is good evidence from later medieval Hungary. However, the second, probably also legendary, meeting, after the victory of Álmos's son Árpád (845/55–after 907),

²⁶ *Chronici Hungarici compositio*, c. 82, p. 337: '[. . .] universa multitudo Hungarorum catervatim confluit' (cf. *ibid.*, cc. 82–84, pp. 337–42).

²⁷ *Ibid.*, c. 94, p. 359.

²⁸ *P. magistri qui Anonymus dicitur Gesta Hungarorum*, ed. by Aemilius Jakubovich and Desiderius Pais, in *SRA*, I, 13–117; a more recent edition with a German translation: *Die 'Gesta Hungarorum' des anonymen Notars: Die älteste Darstellung der ungarischen Geschichte*, ed. and trans. by Gabriel Silagi (Sigmaringen, 1991). Its dating has been debated now over more than a century; the present majority consensus is that the author was a notary of King Béla III (1172–96), who wrote the 'Deeds' soon after the king's death.

²⁹ *Gesta Hungarorum*, ed. by Jakubovich and Pais, Prologus, pp. 33–34: 'Et si tam nobilissima gens Hungarie primordia sue generationis et fortia queque facta sua ex fallis fabulis rusticorum vel a garrulo cantu ioculatorum [. . .] audiret [. . .]'.

³⁰ *Ibid.*, c. 5, p. 40.

rather conjures up the image of an assembly of notables. The Anonymus tells us that in a certain place, 'dux et sui nobiles ordinauerunt omnes consuetudinarias leges regni' and other legal matters; moreover, the duke confirmed the possession of parts of the conquered land to the nobles who had accompanied him.³¹ These two 'events' of consent and contract were to be celebrated in the works of later Hungarian authors (although in the nineteenth century more often than earlier) as the foundations of a parliamentary system and a 'constitutional' state. It is worth noting, though, that these 'assemblies' are described or imagined by the author in a time for which there is no evidence of anything similar in contemporary political life. Things are slightly different regarding the successor of the Anonymus, Simon of Kéza.

Simon, court notary of King Ladislas IV of Hungary, writing around 1285,³² offers more details and is much more outspoken in his utopian vision of — if we may call it so — popular sovereignty. This can be understood in connection with the political reality of his own times. In chapter 7 he describes how, in the sixth age of the world (which may be read as 'recently; down to the present'), the Huns (whom he regarded as the predecessors of the Hungarians) multiplied like the sand and 'in unum congregati, capitaneos inter se [. . .] prefecerunt'. One of them was Attila, but he was only one of seven. As judge, they chose a certain Kadar, 'ita quidem, ut si rector idem immoderatam sententiam definiret, communitas in irritum revocaret'. The captains and other judges could also be deposed by the 'communitas [. . .] quando vellet'. The communal, consensual decision-making is then defined by the chronicler as the rule valid for centuries:

This custom was the law among the Huns *sive Hungaros* up to the time of their Duke Géza, the son of Taksony [i.e. the father of St Stephen, the king]. Thus, in the days before the Hungarians had been baptised and became Christians, the criers in the camp would summon together the Hungarian host with the following proclamation: 'It is the word of God and of the Hungarian people (*vox Dei et populi Hungarici*) that on such-and-such a day every man in arms should present himself without fail in such-and-such a place to listen to the counsel of the community and to hear its instructions'. If anyone dared to defy the command without offering a reason, Scythian law decreed that he be cut in half or exposed to hopeless situations (*in causas desperatas*, a Roman legal term) or degraded to communal enslavement.³³

Simon then went on to explain the legal and social differences among the originally equal Hungarians by referring to this law.

While recounting the Magyar raids to the West, Simon repeatedly referred to the *communitas*, which (in chapter 40, for example) sent out Lel and Bulchu ('per

³¹ Ibid., c. 40, p. 83.

³² Simon of Kéza, *Gesta Hungarorum*, ed. and trans. by László Veszprémy and Frank Schaer, *Simonis de Kéza, Gesta Hungarorum: Simon of Kéza, The Deeds of the Hungarians*, Central European Medieval Texts, 1 (Budapest, 1998), improving on the old edition by Alexander Domanovszky in *SRA*, I, 129–94.

³³ Simon, *Gesta*, c. 7, pp. 28–31.

communitatem destinantur') on the campaign that ended in the Lechfeld disaster for the Magyar raiding party of 955. The chronicle summarizes the period of raids by speaking about 'communitas Hungarorum cum suis capitaneis [. . .]' as those who attacked the lands west and south of their homeland.³⁴

Apparently, in Simon's mind, the community's consensus was needed even after the foundation of the monarchy. When speaking about the origin of a certain group of royal servitors, he reported that the pope had requested King Stephen to restore the liberty of all Christian captives of the Hungarians. 'But', Simon continued, 'the kingdom was so vast and depopulated, and the community were by no means united in assent (*assensum*) to the apostolic decree', with the result that this could not be carried out. Therefore, the pope allowed an arrangement of servitude for the captives in question.³⁵

Of course, it is easy to recognize in these passages similar medieval and classical commonplaces of a Golden Age, as in Cosmas and in many other *origines gentium*. Students of the text have also pointed to possible models — note the word *capitanei* — from the Italian city-states (which Simon may have visited on his travels). What is most important, however, Simon's ideas are closely connected to the notions of representation and consensus in the emerging communities of those lesser nobles who had been called *servientes regis*. They began to organize themselves in self-defence against the over-powerful magnates precisely in the mid-thirteenth century. The corporations (*communitates*) of the noble counties, which were to become the backbone of Hungarian constitution for centuries to come, were very much indebted to this kind of idea of consensus.³⁶

As to the historical veracity of Hunnish or proto-Hungarian consensual government, there is no external evidence. Simon may have taken this image from Tacitus (c. 55–116/20) or from any other ancient author describing popular gatherings for judgment and war-and-peace decisions of the barbarians. This does not mean that such meetings may not have been held by the ancient Magyars or, for that matter, by ancient Slavs, about whom some contemporary reports survive. Helmold of Bosau (c. 1120–after 1177), for example, describes a sacred circle, in which — besides sacrifices and religious ceremonies — meetings were held on every Tuesday so that prince, priests, and *populus terrae* passed judgment in common.³⁷ Thietmar of Merseburg (975–1018) says that the Liuticians (Elbian Slavs): 'Unanimi consilio ad placitum suimet necessaria discutientes in rebus efficiendis omnes concordant'. Moreover, consensus is achieved in these meeting, according to the bishop, in a rather rough-and-ready manner: if anyone contradicts the majority, he is beaten or his property ravaged,

³⁴ Simon, *Gesta*, c. 40, pp. 90–91.

³⁵ Simon, *Gesta*, c. 95, pp. 178–79.

³⁶ See Jenő Szűcs, 'Theoretical Elements in Master Simon of Kéza's *Gesta Hungarorum* (1282–85)', in Simon, *Gesta*, pp. xxix–cii, esp. pp. lxxxv–ic.

³⁷ Helmold von Bosau, *Chronica Slavorum*, I, c. 83, ed. and trans. by Heinz Stoob, *Helmold von Bosau, Slawenchronik*, Ausgewählte Quellen zur deutschen Geschichte des Mittelalters, 19 (Darmstadt, 1963; 5th edn, 1990), pp. 288–89.

or he is forced to pay a heavy fine.³⁸ Ebo's 'Life of Otto of Bamberg' (written around 1150) contains a reference to a major assembly in connection with Christianization.³⁹ According to it, Duke Warcislaw of Pomerania, who had been baptized earlier, called a *generale colloquium* of the great men of the realm (*urbium primores* and others) in order to convince them to accept the new faith, which they finally did. But the most plastic picture of a popular assembly of a 'tribal' society in the region is given by Bruno of Querfurt in his letter about his mission among the Pechenegs to King Henry II of Germany (973–1024), written c. 1008.⁴⁰ He described how he and his companions, who risked entry to the territory of these 'most ferocious pagans' and were taken captive, received a lease of life 'while the entire people were being called together *per currentes nuncios* [. . .] *ad consilium*'.⁴¹ A week later, at that *consilium*, the consensus of the people was expressed in a rather uncouth way: with a horrible clamour, thousands of spears and swords were threatening the missionaries' lives — until the leaders of the Pechenegs ('maiores terrę') rescued them from the enraged populace. We do not hear more about a common gathering, and the intervention of the powerful men was apparently sufficient to allow the missionaries to pass through the nation and later to broker a peace between them and the ruler of Kievan Rus'.

Among the 'historians' of Poland, the anonymous author of the *Gesta* has quite a few elaborate descriptions of assemblies in which important decisions (though not laws or decrees) were passed. While he wrote around 1117, his narrative of the early Piast age, starting in the mists of the ninth and tenth centuries (and at first as legendary as that of Cosmas or Simon), contains apparently authentic elements. He writes about festive assemblies, royal banquets, gatherings of the army, and of urban meetings. Best known is his description of the magnificent parade held in honour of Emperor Otto III at his visit to Gniezno in AD 1000. Leaving aside the oft-debated details about the relationship between the emperor and the Duke of Poland, the event seems to have been a kind of muster of the ruler's armed forces. On this occasion it developed into a festivity several days long, but there is no indication of any common decision-making or agreement.⁴² There are several passages describing military campaigns, in which the chronicler

³⁸ Thietmar von Merseburg, *Chronicon*, VI, c. 25, ed. and trans. by Werner Trillmich, *Ausgewählte Quellen zur deutschen Geschichte des Mittelalters*, 9 (Darmstadt, 1957; 7th edn, 1992), pp. 268–71: 'Si quis vero ex comprovincialibus in placito hiis contradicit, fustibus verberatur et, si forinsecus palam resistit, aut omnia incendio et continua depredatione perdit aut in eorum presentia pro qualitate sua pecuniae persolvit quantitatem debitae'.

³⁹ *Ebonis vita S. Ottonis episcopi Babenbergensis*, ed. by Jan Wikarjak, *Monumenta Poloniae historica*, n.s., 7.2 (Warsaw, 1969), II.6, 104–06.

⁴⁰ *Epistola Brunonis ad Henricum Regem*, ed. by Jadwiga Karwasińska, in *Monumenta Poloniae Historica*, n.s., 4.3 (Warsaw, 1973), pp. 97–100.

⁴¹ This sounds so similar to Simon of Kéza's formulation about the call for a meeting (see above), that one wonders whether Simon knew Otto's letter.

⁴² *Gesta principum Polonorum*, I, c. 6, pp. 34–40.

speaks of decisions (such as whether to attack or retreat), which intimate some kind of council in which opposing views were presented and then consensus was reached.⁴³ There is a reference to the approval of 'all my people' by Bolesław III Wrymouth, when in 1109 he rejected Emperor Henry V's (1086–1125) claim to tribute from Poland and his demand of reinstating the duke's exiled half-brother Zbigniew. Bolesław rejected these demands because, among other reasons, such a decision could be made only by 'meorum commune consilium et arbitrium'.⁴⁴ Of course, this may have been a mere subterfuge (as known from later medieval diplomatic or political exchanges), but it could also have been accepted rule in the time of the chronicler's writing. All these references may be interpreted as something comparable to the 'minor' royal councils of all other monarchies.

The most elaborate description of a popular assembly is given à propos the conflict of the young Bolesław and Zbigniew with their father.⁴⁵ The two princes, allegedly with Czech support, went into the city of Wrocław (Breslau) and demanded the dismissal of their father's count palatine. Their father, Duke Władisław Herman (1042/44–1102), reprimanded the town for siding with the 'rebellious' sons. The two young men addressed a meeting of the assembled people — according to the narrative, quite a multitude — and requested their support against the father's evil counsellors. The Anonymous uses a language that (apart from fictitious rhetorical speeches following classical models) suggests the deliberations of a mass gathering: hesitation among the citizens, then compassion with the young princes, approval of their staying in the city, and so on. Moreover, in the subsequent conflict the ducal side made every effort to win over the people of Wrocław one by one, and finally succeeded in moving the majority against the young princes, who then had to leave. This, too, suggests that the loyalty of the townsmen — or at least their leading *maiores* — was a matter decided, so to say, by the majority or even by consensus.

This brings us finally to speak of a specific urban institution of medieval (Slavic) eastern Europe that passed decisions by consensus. It has been seen by many as a continuation of ancient 'tribal' gatherings: the town-meetings of ancient Rus', the *veche*.⁴⁶ The Romantic school of historians wished to see in these meetings a continuation of the popular assemblies of legendary Slavic antiquity, while the Soviet-Marxist school emphasized their domination by the ruling classes. Nowadays, several Russian historians again wish to detect in them the roots of democratic decision-making. The *veche* is the most enigmatic political institution of ancient Russia. Opinions vary on several important questions, such as when the *veche* emerged as a political institution, what was its

⁴³ See, e.g., the instance quoted above, in note 10.

⁴⁴ *Gesta principum Polonorum*, III, c. 2, p. 226.

⁴⁵ *Gesta principum Polonorum*, II, c. 16, pp. 145–50.

⁴⁶ The following pages were contributed by Pavel Lukin who is presently working on a major study about early Rus' political institutions.

social composition and what its competence, and whether *veche* existed everywhere or only in the so-called 'medieval Russian republics', Pskov and Novgorod.⁴⁷

It is extremely difficult to answer these questions. A major problem is the lack of sources. First, the medieval Russian chronicles do not provide sufficient information, most of the data being fragmentary and contradictory. Moreover, all narrative sources for early Russian history survive only in later versions. One of these early chronicles, the so-called *Nachal'nyy svod* (Primary Compilation) can be reconstructed from the later *Pervaya novgorodskaya letopis'* (First Novgorod Chronicle); another, the *Povest' vremennykh let* (Narration of the Bygone Times), from various later chronicles, the best of them being the Laurentian (*Lavrentevskaya*) and the Hypatian (*Ipat'evskaya*). Both date from the late eleventh to the early twelfth century, rather than earlier. Secondly, the term *veche* seems to have had a variety of meanings. It could mean not only a popular assembly, but also a council of the nobility, a military council, or even a plot or an uprising. Lastly, communal traditions in medieval Russia are reflected in chronicles not only in references to the *veche*, but also in other hints of popular action.

A classic (and, perhaps, the most disputable) mention of the *veche* is contained in the Laurentian Chronicle. According to its account, in the city of Vladimir in 1176, 'From the beginning the people of Novgorod and Smolensk and Kiev and Polotsk and all the regions (*volosti*) have assembled for *veches* as for a council'.⁴⁸ But what is meant by 'beginning'? Some historians argue that there was continuity between the traditional institutions of Eastern Slavs, including tribal assemblies, and those of Kievan Rus'. However, the sources do not provide any evidence of the *veche*'s tribal character. All speculation is based on surmise and analogy. For example, the well-known words of the Greek historian Procopios of Caesarea (sixth century AD) are cited in evidence:

These peoples, Sklavinoi and Antai are not governed by a single person but have lived long in democracy; therefore they settle together all their affairs, both advantageous and disadvantageous.⁴⁹

⁴⁷ For an extensive historiographical analysis, see Klaus Zernack, *Die burgstädtischen Volksversammlungen bei den Ost- und Westslaven* (Wiesbaden, 1967); for additional information and literature, both on documented and on hypothesized assemblies among other Slavs (the latter we do not discuss here), see Stanisław Russocki, 'Wiec', in *Słownik starożytności słowiańskich: Encyklopedyczny zarys kultury Słowian od czasów najdawniejszych do schyłku wieku XII*, ed. by Władysław Kowalenko and others, 8 vols (Wrocław, 1961–91), VI (1961), 424–28.

⁴⁸ *Polnoe sobranie russkikh letopisey* (henceforth: *PSRL*) (Moscow, 1997), I, col. 377: 'Novgoroditsi bo iznachala i Smolnyane i Kyyane i Polochane i vsya vlasti yako na dumu na vecha skhodyatsya [. . .]'.⁴⁹

⁴⁹ Procopius, *Bella*, VII.14.22, ed. by G. Wirth, in *Procopii Caesariensis, Opera omnia*, vol. II (Leipzig, 1963), p. 357: 'τὰ γὰρ ἔθνη ταῦτα Σκλαβηνοὶ τε καὶ Ἄνται, οὐκ ἄρχονται πρὸς ἀνδρὸς ἐνὸς, ἀλλ' ἐν δημοκρατίᾳ ἐκ παλαιοῦ βιοτεύουσι, καὶ διὰ τοῦτο αὐτοῖς τῶν πραγμάτων αἰεὶ τὰ τε ξύμφορα καὶ τὰ δύσκολα ἐς κοινὸν ἄγεται'.

But the collapse of the traditional social and political institutions of Eastern Slavs after the emergence of the Russian principality in the ninth and tenth centuries is so evident that continuity is hardly to be considered. Indeed, the term *veche* is never unequivocally employed by Russian chronicles to denote tribal assemblies; on the contrary, it is constantly used when different aspects of political activity of townsmen in Kievan Rus' are discussed, or that of the later independent Russian *zemli* ('lands').

The term *veche* is not employed in the most detailed description of the political structure of the East Slavonic 'tribe' (the Drevlyane) in the Narration of Bygone Times. This text describes the legendary revenge of princess Olga († 969) on the people who had killed her husband, Prince Igor, in 945.⁵⁰ *Veche* is not used in other legendary narratives either (among them the famous legend about the invitation of the Varangians). Moreover, no special term for the alleged tribal assembly can be found in the unique and reliable information on the last traces of the 'tribal' political structure of the Vyatichi, a Slavonic group that occupied a vast territory in the north-eastern part of early medieval Russia.

An entry in the Hypatian Chronicle describes an interesting episode in a long war of the Prince of Rostov, Yuriy Dolgorukiy (c. 1092–1157), and his ally, Prince Svyatoslav Ol'govich against the two brothers, Izyaslav and Vladimir Davydovich, princes of Chernigov. According to the chronicle, in 1146

when they [the Davydovich] heard that Gyurgi [Yuriy Dolgorukiy] had sent help to him [Svyatoslav Ol'govich], they did not dare to go after him, but sent for the Vyatichi and said to them: 'He is an enemy to us and to you, capture him and make him your prisoner.'⁵¹

It has recently been pointed out that Russian sources use no special term to refer either to the so-called 'tribes' or to 'tribal' nobility.⁵² The sources provide vague and unclear expressions on deliberation, such as *sdumavshe* ('they took council'), *sobrashasya* ('they gathered'), *resha* ('they said'), and so on. This does not mean that Eastern Slavs lacked any type of collective decision-making. Although some indirect evidence of its existence can be found, it is, however, virtually impossible to say anything definite concerning the composition of these hypothetical assemblies.

It may be imagined that 'tribal' rulers and elites played an important or even crucial role in government. We know, for instance, that in 945 the Drevlyane sent 'the best people' to deal with the Kievan princess Olga. The term 'the best people' (*luchshie muzhi*) is mentioned in the earliest part of the narrative, which goes back to the so-called Primary Compilation, composed at the end of the eleventh century. It is replaced in the continuation describing the siege of the 'capital' of the Drevlyane, Iskorosten', by the

⁵⁰ *PSRL*, I, cols 54–55.

⁵¹ *PSRL*, II, col. 338: 'ona zhe slyshavsha, ozhe Gyurgi prislal knemu vpomoch' i ne smesta po nem iti, no sozravsha Vyatichie i resha im, se est' vorog nama i vam, a lovite ego na polon vam.' The last three words are amended according to the reading of the Pogodin and Khlebnikov manuscripts, since the reading of the Academy manuscript, which is the base text for the published edition, 'na pol vama', is obviously corrupt.

⁵² Anton Anatolévich Gorskiy, *Drevnerusskaya družhina* [Old Rus' Retinue] (Moscow, 1989).

term 'elders of the town' (*stareyshiny grada*). Of course, it must be remembered first that this continuation was added to the narrative later, in the early twelfth century, by the compilers of the Narration of the Bygone Times; and, second, that both terms refer not to the social reality of the ancient times, but to artificial notions invented by the chroniclers in the late eleventh and early twelfth centuries. Although some historians have argued that an assembly of Vyatichi, organized by the Chernigov princes, was held in Dedoslavl' (a small town in the land of Vyatichi) in 1146, there are absolutely no grounds for such an assumption. There are only the ideas of the later chroniclers. However, it is very interesting that the chronicles use peculiar terms for 'tribal' elites — and with the Drevlyane for the ruler, 'Prince' (*knyaz*) Mal, while keeping virtually silent about assemblies.⁵³

Another important thing is that the hypothetical 'tribal' assemblies are not connected in the chronicles with towns and townspeople. The available vague and incomplete data on the so-called tribal assemblies have to be compared to the early mentions of the *veche* in the tenth and eleventh centuries. If we were to study not merely the history of terminology (which was very popular among Russian historians of the nineteenth century, greatly influenced as they were by their German colleagues) but the history of real phenomena, we should look for all kinds of different elements of popular political activity in earlier times, and not just for those denoted by the term *veche*. For example, *veche* is not mentioned in 968 in the description of the first siege of Kiev by the Pechenegs, when the people of Kiev were left by Prince Svyatoslav and his retinue, who were fighting in the Balkans. But the townfolk managed to offer resistance and then called the prince to come back: 'the Kievans sent to Svyatoslav and said to him: "You, prince, are seeking someone else's land and defending it, but you have abandoned your own."'⁵⁴ The term *veche* is also not to be found in the description of the bloody feud between the future 'apostle' of Russia, Prince Vladimir (after 962–1015), and his brother Yaropolk which, according to the Narration, occurred in 980. The *voevoda* (commander of an army and chief advisor) of Yaropolk, Blud, betrayed his prince and told him: 'the Kievans send for Volodimer and say: "Come to the town and we give you Yaropolk"'.⁵⁵ The Kievans are contrasted here with the boyar elite and the prince's retinue, called 'his [Yaropolk's] people (*svoi lyudi*)'.

The first time a *veche* is mentioned in the Narration of the Bygone Times is in the 997 entries about the siege of Belgorod by the Pechenegs. The legendary narrative of the Belgorod kissel reports a ruse of the people of the small town Belgorod near Kiev, helping them to escape from the Pechenegs who had besieged the town. At the time there was neither a prince nor a princely retinue (*druzhina*) in Belgorod. However, the

⁵³ Prince Vladimir Monomakh also did not mention any 'tribal' assembly in his *Pouchenie* (early twelfth century), when he described his campaign against a certain Khodota and his son, the dynasts in the land of Vyatichi (*PSRL*, I, cols 240–56).

⁵⁴ *PSRL*, I, col. 67.

⁵⁵ *PSRL*, I, col. 77.

townspeople held a *veche* and drew up a plan to deceive the naïve nomads.⁵⁶ Considering the contents of the story, and the fact that it appears only in the text of the Narration (of the early twelfth century), while the earlier Primary Compilation did not contain it, the entire episode looks very much like a fairy-tale. However, it is extremely important that to the chroniclers' mind a 'real' *veche* is very clearly reflected in this narrative. Their ideas are important, since they reappear in all entries of Russian chronicles which mention *veche* or some kind of collective political activity of townspeople.

The discussion of the exact social composition of *veche* and of the precise meaning of the terms *veche* or *sovet* (council) that has been conducted in Russian historical scholarship seems rather abstract. The early medieval sources show that no elaborate political terminology existed. Most terms were vague and could refer to different things. Roughly speaking, a *veche* was a gathering of free townsmen of various social strata, from the ordinary people to the elite.

To call the *veche* a political institution or even a democratic body would be an exaggeration. It was rather a 'generic word for the means of mobilizing urban opinion, a periodic event rather than an institution of government'.⁵⁷ The extraordinary character of such gatherings is proved not only by the fact that in the tenth, eleventh, and early twelfth centuries the *veche* is mentioned rather rarely, but also by the context of the few references which exist. The instances are: the conflict between Novgorodians and Varangians in Novgorod (1015 according to the Narration and 1016 according to the Primary Compilation);⁵⁸ the uprisings in Kiev against Prince Izyaslav Yaroslavich in 1068⁵⁹ and against Prince Svyatopolk Izyaslavich (1050–1113) in 1113;⁶⁰ and the siege of the town of Vladimir in Volhynia in 1097, where townsmen 'gathered at the *veche*'⁶¹ after their prince had been killed. The baptism of the Rus', the signing of treaties with Byzantium, the succession to the throne of the princes, and the adoption of legal codes (first, as mentioned above, the famous *Russkaya Pravda*) were very important events. But they occurred without any participation of *veche* or townspeople.

And yet, the collective political activity of medieval Russian townspeople was to some extent legitimate in the eyes of contemporaries. The chroniclers did not describe its various manifestations as a mere disturbance and did not see anything strange in them. The *veche* was merely one type of such activity. Another type was the participation of voluntary municipal armed forces in military campaigns launched by princes. Participation could not be taken for granted and could have been only a result of an arrangement between princes and townspeople. All attempts to find a distinct term for

⁵⁶ PSRL, I, cols 127–28.

⁵⁷ Simon Franklin and Jonathan Shepard, *The Emergence of Rus: 750–1200* (London, 1996), p. 289.

⁵⁸ PSRL, III, cols 174–75, and I, cols 140–41.

⁵⁹ PSRL, I, cols 170–71.

⁶⁰ PSRL, II, cols 275–76.

⁶¹ PSRL, I, col. 272.

the municipal armed force or to draw a clear line between them and princes' *družina* seem useless.

Let us summarize. Before the thirteenth century, there is no evidence in the region under review for any meeting of a defined larger group of people, which would have come together at regular times and a regular place — that is, what we agreed to call 'political assemblies'. That some laws or decisions about the affairs of the realm were passed with the consent of a selected group of retainers or magnates (not much different from a *curia regis*), seems to have been, however, usual. Occasional meetings of a wider group are also hinted at in the sources. Whether they were modelled on ecclesiastical synods or harked back to pre-Christian ('pre-state') times, must remain open.

It is, however, significant that in the thirteenth century and after, authors (mainly of narrative texts) pretended to believe the traditions of popular assemblies and consensual decisions having existed since time immemorial. However, these 'ideological' constructs do not allow us to postulate any kind of continuity between the hardly known 'tribal' past and the age when urban and other (noble) assemblies became institutions. Similarly, it is not possible to trace continuity between the legendary 'popular assemblies' and the later noble diets of Poland or Hungary. However, simply because they were constructs in the service of political needs of their own times, does not prove that there could not have been such assemblies, indeed, from time immemorial.

As has been seen, the near-contemporary sources are extremely scarce. The very limited number of references to councils or larger gatherings in the laws, which, although only known from later manuscripts, seem authentic, may count *prima facie* as the most relevant ones. They say little. The narratives of the first chronicles, from the early twelfth century, also hint at assemblies, but they, too, are quite terse as to formal and regular consensus-building gatherings. They already mention ancient, legendary meetings of the people, in which common decisions were allegedly taken (Cosmas of Prague). More extensive 'information' on assemblies comes from the authors of the thirteenth century (e.g. the Hungarian Anonymus and Simon of Kéza), but they offer conspicuously idealized images of a past golden age of 'popular sovereignty'. Finally, no archaeological or other material (or iconic) evidence survives about meeting places or the form of assemblies.⁶²

With these provisos, it is possible to consider together those assemblies described by chroniclers as they might have taken place in their own times or just before (i.e. in the twelfth or thirteenth centuries), but projected back into 'time immemorial', with the historical assemblies. Since we cannot determine whether the narratives reflect the memory of actual historical events, they are 'telescoped' in this summary into 'early medieval', however unorthodox this may be from a strictly historical point of view. All descriptions reflect the notion of how consensus is supposed to be or have been reached in the societies under consideration.

⁶² There is a miniature depicting a *veche* from the fifteenth century in a Russian manuscript, which is assumed to reflect realities of some two centuries earlier.

It is hardly possible always to distinguish between festive gatherings (banquets, military musters) and 'political' ones, as feasts may very well be demonstrations of power and hierarchy, just as are gatherings explicitly declared to be political. The combination of liturgical gatherings, or ecclesiastical assemblies in general, with a political agenda is, of course, typical given the medieval lack of separation between what we regard secular and spiritual. A good example is offered by the so-called decree of the Czech Duke Břetislav, which apparently regulated matters of common concern and was 'celebrated' in form of a solemn oath-taking over the relics of the patron saint combined with an anathema on trespassers.

Consultation for the common good is characteristic of the assemblies described by the chroniclers for the early stages of development of lordship or the 'state'. They rarely specify the participants; apparently, they were gatherings of 'the people' or, as in the cases of the Rus', of the inhabitants (all inhabitants?) of a city or region, such as 'the Kievans'. In instances of the display of armed power and prestige (such as the muster at Gniezno for the reception of Otto III) the structure and hierarchy are military (the troops gather in formation, etc.). In other cases (at the election of a bishop in Bohemia), the form and appearance almost foreshadow the arrangements of later, 'parliamentary' assemblies, with the rulers, the magnates, and the rest of the politically empowered men (the nobility) taking their seats in a visibly hierarchical order.

'Rebellious' assemblies, or those called for consultation but developing into uprisings (as the Hungarian 'pagan' ones of 1046 and 1060), should also be considered in this group, though they seem to have been a mixture of spontaneously gathered 'crowds' and formal assemblies. They may point to the remnants of a tradition of ancient ('tribal') assemblies, described by the later chroniclers. While no continuity can be detected between those pre-hierarchical assemblies and the later more formal ones (such as the *veche* in the ancient Rus'), the hypothesis of some kind of memory of the former strongly influencing the development of the latter cannot be dismissed out of hand.

In Bohemia and Hungary the sources reveal assemblies with the explicit purpose of legislation for the common good. Such assemblies may vary from quite small gatherings (royal councils, groups of retainers, or *comites, senatus, magnati et prelati*) to extended ones (mixed synods and the like). The gathering of the whole community for passing 'laws' appears only in the legendary reports (for example, about the Huns, identified with the early Hungarians or the seven chieftains of the Magyars with their pagan oath). They may reflect a political programme of the lesser nobility, which in later centuries gathered for such diets, as well as for county or regional assemblies. Reliable evidence for legislative — and by implication also jurisdictional — bodies does not exist before the thirteenth century. It is true, though, that the preamble to the Golden Bull of Andrew II of Hungary speaks about the king's obligation to attend the annual assembly at St Stephen's Day to hear cases of the royal servitors (*servientes regis*). This seems to imply that such meetings had been held for some time and later were only confirmed and codified. The history of these gatherings, however, belongs to that of the age of early corporate and representative assemblies.

No other evidence survives for jurisdictional assemblies, that is for assemblies which passed judgments on evildoers, apart, perhaps, from the brief reference to (and the abolition in the thirteenth century of) the practice of denouncing of thieves and other brigands 'by the village' in medieval Hungary. Based on documented parallels from other medieval societies such as those of the Anglo-Saxons or other Germanic peoples, in which the approval of the community makes a judgment 'firm', we may assume similar procedures in the region under review as well. German authors (Thietmar, Helmold) hint at Slavic gatherings passing judgements, but they may be influenced by their experience 'at home'. By the time judicial records in the countries under review emerge, such popular 'truth-finding' was out of date.

Assemblies for electing or acclaiming rulers and other leading men (such as the bishop of the capital city) are mentioned in the chronicles (mainly by Cosmas). It is unlikely that coronations, for example, would not have taken place in assemblies. Yet the sources for the early centuries do not mention them (save a problematic crown-presenting event in Gniezno, mentioned above). Nor is there any clear reference to the 'promulgation' of the consensus reached in any of the historical assemblies. The description by Simon of Kéza of how the *vox populi* was announced across the encampments is, of course, a neat example (and is nicely paralleled by the report of the missionary Brun about the Pechenegs). But, as repeatedly noted, it is more a historicized programme than a report on past events. That instance, and Cosmas's legendary assemblies, apart, there is no indication that decisions, if any were taken, were seen as binding on absent majorities, and therefore no 'representative' aspect can be discovered. Remarkably enough, the assembled notables, who swore to carry out the laws passed under King Ladislas I, promised only that they would observe these laws; they say nothing about making others observe them.

Both the legendary and historical assemblies discussed here were held in public places, though rarely do we know more about them. The brief notes of the German chroniclers speak about sacred locations where the early Slavs are supposed to have held their regular assemblies. Otherwise, the sources are mostly silent concerning location. The connections with the Church are, however, conspicuous: Břetislav announced his so-called Decree in the cathedral of Prague, over the relics of the martyred bishop. The Hungarian magnates met in 1092 in the country's oldest monastery for their 'mixed synod'. The Hungarian Anonymus purported to know the meeting-place of the nobles of Árpád where the affairs of the realm were settled (at Szer, identified as Pusztaszer, near Szeged in the southern plains); no reference can be found that later assemblies have ever been held there, at a place that was marginal rather than central in the medieval kingdom of Hungary. Only the charter of 1222 refers to Alba Regia (Székesfehérvár) as the — by then, probably, usual — place of the annual jurisdictional and consultative gathering. That choice sounds quite likely, the city having been the place for both the inauguration and burial of the kings of Hungary ever since the times of St Stephen. As to the urban *veche* of the ancient Rus', the town's marketplace (or forum) was the obvious location, but, again, precise references come only from later sources.

It is remarkable that in countries such as the kingdoms of Hungary and Poland, and also in the republics of Novgorod and Pskov, which in the later Middle Ages and early modern centuries were characterized by regularly held and well-attended assemblies — diet, *sejm*, and *veche* — the early medieval evidence is so slim. While in the Hungarian chronicle of the thirteenth century the ideal of popular assembly (or that of all freemen) is already outlined, the Polish narratives have no such model. The importance of legendary narrative in the Hungarian case may be seen from the fact that, in 1514, the author of a collection of the customary law of the kingdom found it appropriate to include the passage of Simon's *Gesta* in extenso describing the ancient (pre-Christian) assemblies. In Part I, chapter 3 of the *Tripartitum opus iuris consuetudinarii inclyti regni Hungariae* by the lawyer-politician Stephen Werbőczy, the image drawn by Simon of Kéza some 250 years earlier is cited (of course, uncritically) as the legal foundation of the equality of all nobles and the source of legislation in the kingdom.⁶³ If not earlier, from that time onwards it served as the 'ideological' foundation for the consensus necessary in the affairs of the realm.

⁶³ Werbőczy borrowed it from a text closer to his times, from the *Chronica Hungarorum* of John Thuróczy (1488). For the *Tripartitum*, see the facsimile edition of the *editio princeps* (Vienna, 1517), with a preface by György Bónis, *Mittelalterliche Gesetzbücher europäischer Länder in Faksimiledrucken* (ed. by Arnim Wolf), 2 (Glashütten/Taunus, 1972). A bilingual edition of this law book in *DRMH* (as vol. V) is in preparation.

Aristocratic Assemblies in Brittany, 1066–1203

JUDITH EVERARD

This chapter will examine the phenomenon of assemblies of lay magnates at the ducal *curia* of Brittany from the late eleventh to the early thirteenth century. The evidence suggests that such assemblies did occur in the earlier part of this time-span, but that they were infrequent and rather informal. Substantive changes occurred with the arrival of King Henry II of England (1154–89) as effective ruler of Brittany in 1166. These changes survived the Angevin regime and continued under Capetian domination in the early thirteenth century. In short, aristocratic assemblies at the ducal *curia* before 1166 seem to have been voluntary and to have involved the participants in little more than giving counsel to the duke and socializing. From 1166, Henry II initiated mandatory assemblies for the primary purpose of the aristocrats' (from now on called the *barones Britannie*) submitting to him by rendering homage or oaths of fidelity. The stringency of the Angevin regime was relieved after the accession of Henry II's son, Geoffrey, as duke in 1181. The practice of convening the barons to render homage to the new duke continued, but aristocratic assemblies found another function, that of giving consent to ducal acts affecting some or all barons.

General historiography on political assemblies of the aristocracy in the twelfth and early thirteenth centuries anywhere in France, let alone Brittany, is limited.¹ This contrasts with a relative abundance of secondary sources on other types of assembly,

¹ Gavin I. Langmuir, 'Counsel and Capetian Assemblies', in *Xth International Congress of Historical Sciences, Rome, 1955*, Studies presented to the International Commission for the History of Representative and Parliamentary Institutions, 18 (Leuven, 1958), pp. 19–34; idem, 'Community and Legal Change in Capetian France', *French Historical Studies*, 6 (1970), 275–86; Susan Reynolds, *Kingdoms and Communities in Western Europe, 900–1300*, 2nd edn (Oxford, 1997), esp. 'Provinces and Lordships'.

especially those of an ecclesiastical nature such as the General Chapters of the Cistercians and the military orders. Studies on the Peace of God movement and the preaching of the Crusades illustrate assemblies of laymen, including the aristocracy, under the initiative of the Church.² As for lay society, the historiography focuses on the communal movement, religious fraternities, and the early merchant guilds, thus dealing rather uncharacteristically with people of the middling sort rather than with the aristocracy.³

Aristocratic assemblies do appear in the historiography on the history of parliaments, or rather, 'representative and parliamentary institutions'. For specialists in this subject, medieval parliaments evolved out of the *curia regis*, the assembled magnates, lay and ecclesiastical, the bishops and barons, who attended the royal court to give advice and consent to the king.⁴ Leaving aside some problems with this model, as a paradigm, it had the effect of rather narrowly focusing the field of study of medieval political assemblies. In keeping with much of the scholarship on the political history of the Middle Ages from the nineteenth and early twentieth centuries, historians of parliament were most interested in royal institutions, those tending towards the development of the modern centralized European nation-state, whether as a democratic republic or a constitutional monarchy. The only assemblies of the lay aristocracy worthy of note therefore were those convoked by the king. Not only were the aristocrats only regarded to be assembling legitimately when at the *curia regis*, but their role was consequently seen as a passive one. They attended in response to a royal summons, to render homage and fealty, and on occasion to give advice (which did not have to be taken) and to consent to royal acts. This has tended to divert attention from other aristocratic political assemblies that were not centred on the sovereign, such as those convened by the rulers of the territorial principalities.

² *The Peace of God: Social Violence and Religious Response in France around the Year 1000*, ed. by Thomas Head and Richard Landes (Ithaca, NY, 1992); Penny J. Cole, *The Preaching of the Crusades to the Holy Land, 1095–1270* (Cambridge, MA, 1991); *The Second Crusade and the Cistercians*, ed. by Michael Gervers (New York, 1992); Jonathan Riley-Smith, *The First Crusaders, 1095–1131* (Cambridge, 1997).

³ Generally, see Reynolds, *Kingdoms and Communities*. For communes, Charles Edmond Petit-Dutaillis, *Les communes françaises: Caractères et évolution des origines au XVIII^e siècle* (Paris, 1947) remains a valuable synthesis. See also Rodney Hilton, *English and French Towns in Feudal Society* (Cambridge, 1992), and *Villes, bonnes villes, cités, capitales: Études d'histoire urbaine (XI^e–XVIII^e siècle) offerts à Bernard Chevalier*, ed. by Monique Bourin (Tours, 1989; repr. Caen, 1993), and Catherine Vincent, *Les confréries médiévales dans le royaume de France, XIII^e–XV^e siècle* (Paris, 1994).

⁴ A. Marongiu, *Medieval Parliaments: A Comparative Study*, trans. and adapted by S. J. Woolf, with a foreword by H. M. Cam, Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions, 32 (London, 1968); A. Marongiu, 'Réflexions sur l'heuristique des origines des institutions parlementaires', in *XIIIth International Congress of Historical Sciences, Moscow, 1970*, Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions 52 (Warsaw, 1975). For the revisionist argument summarized here, see Langmuir, 'Counsel and Capetian Assemblies'.

The evidence for aristocratic assemblies in Brittany in the central Middle Ages is sparse, especially for the period before the mid-twelfth century. This is due to the nature of the sources. There are effectively no chronicles or other literary sources dealing with political subjects from Brittany in this period. The literary evidence mainly derives from later chronicles, with inevitable problems of anachronism.⁵ From the mid-twelfth century, the contemporary Anglo-Norman chronicles provide some material. However, these are the compositions of outsiders looking in, and they are written from the perspective of the deeds of the Angevin kings, not that of the deeds of the Breton aristocracy, unless these happened to impinge on the Angevin regime.⁶

The principal sources for aristocratic assemblies, then, are diplomatic. Although a few diplomatic sources do refer explicitly to assemblies of aristocrats at the ducal *curia*, most assemblies to be discussed here are merely conjectured from the evidence of lists of witnesses to ducal *acta*. There does not seem any evidence for important aristocratic assemblies outside the context of the ducal *curia*, but this may be due to the quality and quantity of the sources.

For example, how is one to interpret the evidence for a Peace of God assembly attended by the duke and the lay magnates? Between 1136 and 1140 such an assembly was held at the abbey of Saint-Sauveur de Redon, 'pro pacis Dei confirmandae intuitu et pro ceteris Sancte Dei Ecclesie negotiis pertractandis'. Present were the Archbishop of Tours and most of his suffragan bishops, and Duke Conan III (1112–48) and many lay magnates from various parts of Brittany. But according to a list of lay magnates which may represent the aristocratic participants in this assembly, there was a distinct concentration of those from the Vannetais, the region in which Redon is situated, and the adjacent county of Nantes.⁷ It is debatable whether this represents a meeting of the ducal *curia*, since it falls into the category of assemblies of laymen occurring at the initiative of the Church mentioned above. On the other hand, given the informality of the ducal *curia* as an institution, the mere fact of the aristocrats assembling with the duke in a sense means that they were attending the ducal *curia* virtually simultaneously with their presence at the episcopal council.

It would have been sound methodologically and helpful to the reader to append to this chapter a list of references to 'aristocratic assemblies at the ducal *curia*', thus making more transparent and accessible the evidence upon which this discussion is based. On reflection, such a list has been omitted because, due to the fragmentary nature of the sources, it would be doubly misleading. First, it would unavoidably give the impression

⁵ Jean Kerhervé, 'La naissance de l'histoire en Bretagne (milieu XIV^e siècle–fin XIV^e siècle)', in *Histoire littéraire et culturelle de la Bretagne*, vol. I, *Héritage celtique et captation française*, ed. by J. Balcou and Y. Le Gallo (Paris, 1987), pp. 245–71.

⁶ See below, notes 29–31.

⁷ *Mémoires pour servir de preuves à l'histoire ecclésiastique et civile de Bretagne*, ed. by Dom Hyacinthe Morice, 3 vols (Paris, 1742; repr. Farnborough, 1968), I, col. 570. For the putative list of participants, see Hubert Guillotel, ed., 'Les Actes des Ducs de Bretagne (944–1148)' (unpublished doctoral thesis, Université de Paris II, 1973), pp. 411–12, and *Mémoires pour servir de preuves*, ed. by Morice, cols 556–58.

that such assemblies were a well-defined institution. Secondly, it would suggest that only the assemblies listed, and no others, had occurred.

The diplomatic sources rather present a spectrum of evidence for assemblies. At one extreme are those ducal *acta* in which no laymen other than the duke's household officials and domainal tenants are named as witnesses or participants. These represent most ducal *acta* before the late twelfth century. At the other extreme are those very rare sources, discussed in more detail below, which contain indisputable evidence of an assembly of many important aristocrats from more than one region of Brittany at the ducal *curia*. Between is a substantial quantity of ducal *acta* attested by just one or two important aristocrats, whether from the region where the ducal *curia* was sitting or from various regions. It is difficult to decide at what point in the spectrum these *acta* should be positioned. Any one of these may represent just a visit to the ducal *curia* by a local baron, or even one from further afield, to discuss some business with the duke. Alternatively the *actum* may have been made in an assembly of aristocrats, with only one or two of those present being named in the text of a ducal *actum* for diplomatic reasons not now apparent to us.

The Ducal Curia, 1066–1166

The starting point for this discussion is 1066, when the political fragmentation of the *regnum* of Brittany which had occurred in the post-Carolingian and post-Viking era was halted by the union of three comital families under the regime of Duke Hoël I.⁸ The first part of this chapter will discuss the phenomenon of aristocratic assemblies at the ducal *curia* for the period up to 1166, beginning with an examination of the ducal *curia* as an institution.

The ducal *curia*, like any seigniorial *curia* in eleventh- and twelfth-century France, was a many-faceted and multi-purpose institution.⁹ When it acted concerning the duke's administration of his own estates, exercising jurisdiction, levying and collecting rents and 'customary dues', the *curia* may have been made up by the ducal officers such as the household steward and estate-officers (reeves, foresters, huntsmen) and some tenants of those estates. It is from this context that many ducal *acta* arise, and therefore their named participants and witnesses are *curiales*. For more solemn and important business, a seigniorial *curia* might be an assembly of the more important tenants and other aristocrats who were within the lord's *mouvance*.¹⁰

⁸ André Chédeville and Noël-Yves Tonnerre, *La Bretagne féodale XI^e–XIII^e siècle* (Rennes, 1987), pp. 23–64.

⁹ Yvonne Bongert, *Recherches sur les cours laïques du X^e au XIII^e siècles* (Paris, 1949).

¹⁰ An example of the latter derives from a charter of Rolland de Dinan, to be dated c. 1156×1164, recording his foundation of a priory at his seigniorial *caput*, Becherel. This refers to the counsel of Rolland's 'barones' (Morice, *Preuves*, col. 660).

The ducal *curia* had an added dimension. After 1066 it was the successor to the comital *curie* of Rennes, Nantes, Cornouaille, and the Vannetais. When the itinerant ducal household was in residence in any one of these four regions, the ducal *curia* would deal with matters concerning that region. In most diplomatic sources naming aristocrats as participants or witnesses, those named are all the lords of estates within the same region. As indicated above in discussing the use of the diplomatic evidence, it is difficult to decide whether these were 'routine' sittings of the comital *curia* with the landholders of the county attending, even 'owing suit of court', or whether they were special assemblies of the regional aristocracy, occurring at particular festivals or for particular purposes. The cartulary of the abbey of Sainte-Croix de Quimperlé contains several examples of assemblies of aristocrats at the *curia* of the Count of Cornouaille.¹¹ Evidence is scarcer for the counties of Nantes and Rennes. In December 1138, Duke Conan III promulgated a charter at Nantes, confirming to Marmoutier the church of Sainte-Croix within the walls of that city. A list of witnesses named in the text includes important lay magnates whose estates were in the county of Nantes, but who would not have regarded themselves as holding their lands of the count/duke: Garsire de Machecoul, Savary *vicecomes* de Donges, Bernard *vicecomes* (de la Roche-Bernard), and Rolland de Liré.¹² Therefore it is possible that when the ducal *curia* was formed by an assembly of lay magnates from more than one of the regions under ducal authority, this was regarded as the comital *curia* writ large.

Whether attending the comital or the ducal *curia*, it seems that the only active role of the aristocrats attending was to give counsel. A charter of Conan III recites that in 1146 the duke assembled 'barones Britannie plurimi' to hold a 'colloquium' ('quos ad colloquium congregaveram').¹³ The reason for this assembly may be guessed at. In 1146, Conan's carefully laid plans to bring under ducal authority the vast northern lordship of Penthièvre by the marriage of his daughter Bertha with an heir of Penthièvre, Alan, earl of Richmond, were brought to nothing by Alan's death. Conan, nearing the end of his own life, must have been in desperate need of counsel regarding Bertha's remarriage.¹⁴

As part of the role of giving counsel, the aristocrats participated in the determination of disputes brought before the duke and his *curia*. At the Christmas court of Duke Alan IV at Redon in 1089, in a dispute between the monks and the duke's chaplains, the duke delegated to four *judices*: the bishops of Rennes and Vannes, the Abbot of Saint-Melaine de Rennes and one trusted layman, the duke's household steward. However,

¹¹ *Cartulaire de l'abbaye de Sainte-Croix de Quimperlé*, ed. by Léon Maître and Paul de Berthou, 2nd edn, Bibliothèque Bretonne Armoricaire, 4 (Rennes, [1902]), Nos 54, 64, 111.

¹² Morice, *Preuves*, cols 576–77 (Guillotet, 'Actes des Ducs de Bretagne', No. 147).

¹³ *Recueil d'actes inédits des ducs et princes de Bretagne, XI^e, XII^e, XIII^e siècles*, ed. by Arthur de la Borderie (Rennes, 1888), No. 38; Guillotet, 'Actes des Ducs de Bretagne', No. 156.

¹⁴ J. A. Everard, *Brittany and the Angevins: Province and Empire 1158–1203* (Cambridge, 2000), pp. 30–31.

the assembled *nobiles* were also involved in the proceedings. First, the dispute was made public when the monks impleaded the chaplains 'coram multis nobilibus'. At a later stage, the duchess with some *nobiles* listened to a reading of Redon's charters in support of their case, a process which proved to be conclusive in the monks' favour.¹⁵ In a dispute decided by Hamelin, bishop of Rennes in 1130–31, a judicial duel held outside the walls of Rennes was witnessed by Duke Conan III, the aristocrats (*proceres*) Robert de Vitré, Oliver de Dinan, and Hamo de la Guerche, 'et aliis proceribus multis'.¹⁶

The giving of consent, usually paired with counsel, is less apparent, but was hardly an issue when the duke was neither willing nor able to make decisions purporting to affect the whole of the duchy including the aristocrats. Ducal government was limited to the administration of the ducal domains and therefore it could not affect the aristocrats and their estates in general. The principle of consent in those matters *quod omnes tangit* did not apply.¹⁷

Given that Duke Alan IV (1084–1112) held his Christmas court at Redon in 1089 with a large assembly of magnates, lay and ecclesiastical, from various parts of Brittany attending, it is tempting to imagine that this was a regular occurrence.¹⁸ Perhaps assemblies of the aristocracy were quite frequent, and it is just sources that are lacking. Against this is the fact that ducal *acta* attested by more than one or two lay magnates from different parts of the duchy, or even from the county in which the *curia* was sitting, represent a minority of the total of ducal *acta* with surviving witness-lists. In most ducal *acta* naming or describing the witnesses, these are the duke's household and estate officers and tenants. It could still be argued that assemblies of the aristocracy occurred, but that the scribes did not usually see fit to include the names of assembled aristocrats as witnesses.¹⁹ The monks of Sainte-Croix de Quimperlé were perhaps unusual in recording the attendance of many aristocrats of Cornouaille in their redactions of ducal *acta*.

One further factor suggesting that assemblies were extraordinary rather than the norm is that the diplomatic sources do not employ any particular noun for these assemblies. This suggests that they were not conceived by contemporaries as an institution. A donation by Duke Alan IV to Sainte-Croix de Quimperlé was said to have been made at the request of 'multorum quoque nobilium tam Cornugallie quam et aliarum partium, in curia commorantium'.²⁰ One charter which supplies evidence for an assembly of aristocrats from all over Brittany at the ducal *curia* recites the ducal act as having been made 'in publico conventu'. But this may refer to the ducal *curia* itself and perhaps also the

¹⁵ *Cartulaire de l'abbaye de Redon en Bretagne*, ed. by Aurelien de Courson, Collection des documents inédits sur l'histoire de France (Paris, 1863), pp. 238–40, No. 290; Morice, *Preuves*, cols 465–67.

¹⁶ Guillotel, 'Actes des Ducs de Bretagne', No. 136.

¹⁷ Cf. Langmuir, 'Community and Legal Change', pp. 277–82.

¹⁸ See above, note 15.

¹⁹ For example, *Cartulaire de Quimperlé*, ed. by Maître and de Berthou, pp. 200–01, No. 60.

²⁰ *Cartulaire de Quimperlé*, ed. by Maître and de Berthou, p. 200, No. 60.

presence of the local populace.²¹ Others refer to the aristocrats 'who happened to be there' ('aderant'),²² or to a ducal act made 'coram multis nobilibus'.²³

Not only did the assembly lack a name, there was not even a common collective noun for the assembled aristocrats, although *nobiles* is the most frequently occurring. A particularly illuminating example of the rich vocabulary which could be employed, at least at the abbey of Sainte-Croix de Quimperlé, is a charter of Duke Hoël I dated 27 February 1069.²⁴ The monk who drafted the charter boasts that Duke Hoël made a generous donation from his own lands in a formal ceremony at the abbey, in the presence of many *nobiles*. The draftsman is at pains to record that these are not just local worthies, but 'multis nobilibus meorum principum (i.e. Hoël's) tam ex Nannetensis civitate et Venetis finibus quam ex Cornugalliensibus et Leonensibus primatibus'. This describes all of the medieval duchy of Brittany except the county of Rennes and the lordship of Penthievre, both of which at this time were ruled by self-styled 'counts' who did not accept Hoël's sovereignty.

In the charter, these *nobiles* are contrasted with Duke Hoël's *milites*, who are paid soldiers. In describing the *milites*, the draftsman of the charter was again at pains to emphasize the scope of Hoël's authority; the *milites* come swarming to the duke, 'de confinibus totius Britannie'. This charter shows that as early as 1069 there was a notion of Britannia, both in a geographical and a political sense (Hoël is styled 'gratia Dei comes Britannie'), and that there was a distinction between aristocrats and stipendiary warriors. But it also shows that the draftsman lacked any collective noun for the aristocrats of Brittany. The aristocrats are all *nobiles*, but they are identified by their native regions: the *civitas* of Nantes, the *finis* of Vannes, the regions of Cornouaille and Léon. Lacking a common title for individual participants and a noun to describe the occasion, the aristocratic assembly before the arrival of Henry II was more a phenomenon than an institution.

Before 1166, and until the end of the twelfth century, such assemblies were convened at *loci* of ducal (formerly comital) power. Some occurred at the Gallo-Roman cities of Rennes, Nantes, Vannes, and Quimper, in each of which was a ducal castle, the headquarters of the ducal (formerly comital) administration. Others were held at important monasteries of which the dukes were patrons: Saint-Sauveur de Redon, Sainte-Croix de Quimperlé, and Saint-Sulpice-la-Forêt. There seems to have been a preference for the monasteries, perhaps because they represented more neutral ground than a ducal castle, but also no doubt a wealthy Benedictine monastery had the resources to hold a large gathering of aristocrats and their retinues.

²¹ *Cartulaire de Quimperlé*, ed. by Maître and de Berthou, pp. 191–92, No. 54.

²² *Cartulaire de Redon*, ed. by de Courson, p. 239.

²³ *Cartulaire de Redon*, ed. by de Courson, p. 238; *Cartulaire de Quimperlé*, ed. by Maître and de Berthou, pp. 191 and 201.

²⁴ *Cartulaire de Quimperlé*, ed. by Maître and de Berthou, pp. 191–92, No. 54.

In the cities, there is no evidence about where the assemblies were held. Considering the relatively small size of the ducal castle in each, it is unlikely that these were the scenes of large and prestigious assemblies. The ducal castles in both Nantes and Rennes, built into strategic angles of the Gallo-Roman walls, were known as *turris* rather than *castrum* or *castellum*, suggesting they were architecturally compact.²⁵ Significantly, each of these cities was also an episcopal seat, usually occupied by bishops on more or less close terms with the dukes. Duke Hoël's brother Benedict/Budic was simultaneously Bishop of Nantes and Abbot of Sainte-Croix de Quimperlé, which explains why Hoël was welcome in both places.²⁶ In May 1169, Geoffrey, the future duke, was 'received' in the cathedral of Rennes by two of his father's most loyal ecclesiastical supporters: the bishop, Stephen de Fougères, and Robert de Torigni, abbot of Mont Saint-Michel. According to the latter, Geoffrey received homage there on the same occasion.²⁷ If this means that the whole ceremony took place in the cathedral, one may extrapolate and suggest that the cathedrals in other cities were used for this purpose. Combined with the possibly greater incidence of aristocratic assemblies at ducal monasteries, this points to significant and highly practical support offered by the bishops of Rennes, Nantes, Vannes, and Quimper to the ducal regime. This support is clearly displayed in the crises of ducal authority in 1196 and 1203, discussed below.

In summary, before 1166, assemblies of aristocrats at the ducal *curia* occurred at centres of ducal power, but irregularly and informally. The fragmentation and decentralization of authority then prevailing in Brittany, as in other territorial principalities, meant that the ducal *curia* had no more than an indirect effect on the affairs of the aristocrats, who presumably attended voluntarily for reasons of sociability and prestige.

After 1166

Significant changes occurred from 1166 with the domination of Brittany by Henry II. The second half of the twelfth century was a formative period for Breton institutions, under the regime of the Angevin kings (1158–1203). Not only did the experience of political assemblies under Angevin rule help to define the *barones Britannie*, it also encouraged the growth of some corporate spirit, at least regarding their common ruler. In the period from 1166 to 1203, the barons of Brittany moved from a state of individual autonomy, acting as individuals to accept or reject the latest claimant to sovereignty over the duchy of Brittany, to being capable of acting as a group to form some common policy regarding their sovereign.

²⁵ Chédeville and Tonnerre, *La Bretagne féodale*, pp. 413–25.

²⁶ J. Quaghebeur, 'Stratégie lignagère et pouvoir politique en Cornouaille au XI^e siècle', *Mémoires de la Société d'Histoire et d'Archéologie de Bretagne*, 68 (1991), 7–18.

²⁷ See below, note 30.

The political turmoil inflicted upon Brittany by its involvement in the affairs of the Angevin dynasty hastened this process. It was in such assemblies that the aristocracy could develop a sense of unity and shared purpose. The very idea of assembling, and of deciding who should be invited or allowed to attend and participate, had the effect of more clearly defining the aristocracy as a group, and the role they played in ducal politics.

At the mid-twelfth century, there is little evidence of any sense of common identity among the Breton aristocracy. But while this may have been the case internally, viewed from outside the duchy, the aristocrats of Brittany could be seen as a body. Observers in the second half of the twelfth century could refer to them collectively as the *barones Britannie*.

The twelfth-century aristocrats who would from now on be termed barons (*barones*) are distinguished not so much by the size of their estates, although generally these were large, as by the fact that they acknowledged no superior temporal authority. In Anglo-Norman terms, they were the tenants-in-chief. However, since they were not accustomed to acknowledging the lordship of the duke, this equivalence when made by the Angevin regime was the source of considerable tension and finally armed conflict. Before 1166, while the lay magnates did not seek to overthrow or supplant the dukes, they operated almost independently of them. They might attend the ducal *curia*, but only if it suited them to do so. The next level of the aristocracy in the social hierarchy were those who held their lands and castles either of the dukes or of a magnate, sometimes no doubt both. But it was the magnates who individually or as a group could decide the political situation of Brittany and its dukes. In the mid-twelfth century this class suddenly emerges as the *barones Britannie*. It appears in the context of the arrival of Henry II and the Angevin king's attempts to conquer Brittany.

There is one instance of the term *barones Britannie* from before 1166, a charter of Duke Conan III for the abbey of Saint-Florent de Saumur, dated 1146 and made at the abbey of Saint-Sulpice-la-Forêt, near Rennes.²⁸ The attestation clause of this charter is unusually elaborate. It recites that, when the duke made his donation for the benefit of Saint-Florent, there were present 'barones Britannie plurimi, quos ad colloquium congregaveram'. This text is the first (and last) by a native duke to employ the expression *barones Britannie*, even if qualified by *plurimi*.

With the arrival of Henry II, the trickle of evidence from the annals and the diplomatic sources for Brittany at this time is suddenly joined by a comparative flood of information from the Anglo-Norman chroniclers. Not only is the information more abundant, but it is by nature different from that derived only from diplomatic sources. The chronicles of Robert de Torigni († 1186) and Roger of Howden († 1201/02) suddenly begin to record assemblies of the aristocracy (*barones Britannie*) not even hinted at in contemporary Breton sources. These assemblies almost certainly were new and

²⁸ *Recueil d'actes inédits des ducs et princes de Bretagne*, ed. by de la Borderie, No. 38; Guillotel, 'Actes des Ducs de Bretagne', No. 156.

unprecedented, just as the Anglo-Norman chroniclers' use of the expression *barones Britannie* was a construct applied by them from outside.

Robert de Torigni wrote that, when Henry II had taken over the duchy in 1166, the king received homage 'fere ab omnibus baronibus Britannie' at Thouars, and that the future Duke Geoffrey received the homage of the *barones Brittannie* at Rennes in May 1169.²⁹ Robert recorded that Henry II held his Christmas court of 1169 'in Brittannia', at Nantes. Roger of Howden's *Gesta Regis Henrici Secundi* supplies the additional information that after Christmas Henry II and Geoffrey made a progress around Brittany, receiving homage from those who had not yet given it. Roger of Howden categorized those from whom homage was now required as the 'comites et barones et liberi homines Britannie'.³⁰ As a final example, Robert de Torigni wrote that, at an early stage of the revolt in 1173, Henry II convoked the *barones Britannie* and required from them a collective oath of fidelity.³¹

These accounts by the Norman abbot and the Anglo-Norman royal clerk are deceptively matter-of-fact in tone. They should be treated with caution in this context, as products of the English and Norman polities with which these writers were most familiar, and in which the barons, or rather tenants-in-chief, were indeed in the habit of rendering homage or swearing fealty whenever it was required of them, on pain of forfeiting their estates. In reality, the idea of assembling all the Breton barons, even 'nearly all' of them, would have been an extreme novelty in the 1160s, as would the idea that they should render homage to the duke. Yet according to the chroniclers Henry II succeeded in carrying out these rituals. Indeed, the one baron who refused to attend at Nantes at Christmas 1169, Eudo de Porhoët, hereditary viscount of Rennes and sometime Duke of Brittany, was made to suffer the consequences: his estates were deemed forfeited to the ducal domains and he was obliged to go into exile. Similarly, in 1173 Ralph de Fougères conspicuously resisted the royal summons, and this was a prelude to armed rebellion.³²

However suddenly and violently the Breton barons were made to conform with the feudal customs of England and Normandy, just as suddenly they appear as a definite social group. We do not know which individuals were summoned to render homage to the new Angevin rulers in 1166 and 1169, and to swear fealty in 1173, and certainly not by what criteria they were chosen. The mere fact that they were summoned, and mostly

²⁹ *Chronique de Robert de Torigni, abbé du Mont Saint-Michel, suivie de divers opuscules historiques de cet Auteur et de plusieurs Religieux de la même Abbaye*, ed. by Léopold Delisle, 2 vols (Rouen, 1872–73), I, 361, and II, 13.

³⁰ *Chronique de Robert de Torigni*, ed. by Delisle, II, 16; *Gesta Regis Henrici Secundi Benedicti Abbatis: The Chronicle of the Reigns of Henry II and Richard I, AD 1169–1192, known commonly under the name of Benedict of Peterborough*, ed. by William Stubbs, 2 vols (London, 1867), I, 3.

³¹ *Chronique de Robert de Torigni*, ed. by Delisle, II, 42.

³² Everard, *Brittany and the Angevins*, pp. 48–50, 53–55.

attended, must have had a formative influence upon their consciousness of belonging to a defined group.

After Henry II's victory against the rebellious barons in 1174 had finally stamped his authority upon the duchy of Brittany, there is no further evidence for an assembly of the *barones Britannie* for several years. Meanwhile, Henry's son Geoffrey was married to Constance, the heiress of the native ducal dynasty, and proceeded to rule almost independently of his father, at least as far as the duchy's internal affairs were concerned. Having already received the homage of the *barones Britannie* in 1169, Geoffrey did not need to convoke an assembly for this purpose. Even if he did, we do not know of it because Geoffrey did not have the benefit of chroniclers like Robert de Torigni and Roger of Howden to record his deeds. From now on, the sources for aristocratic assemblies are again exclusively diplomatic.

Geoffrey's reign does, however, manifest another significant development in aristocratic assemblies in Brittany, in the 'Assize of Count Geoffrey', a pioneering act of legislation in medieval France promulgated at the ducal capital of Rennes in 1185.³³ The 'Assize of Count Geoffrey' shows for the first time an assembly of the *barones* both to give counsel and to consent to a ducal act. According to the text of the 'Assize', in making this 'assisia' concerning succession to baronies and knights' fees, Duke Geoffrey acted upon the petition of the bishops and the 'baronum omnium Britannie [. . .] communi assensu eorum'. The text ends with a list of witnesses consisting of four bishops and six named laymen, most of the latter readily identifiable as the leading magnates of various regions of Brittany, 'et pluribus aliis baronibus'. On this evidence, it has been assumed since the late Middle Ages that Duke Geoffrey convened a great assembly of the lay and ecclesiastical magnates of Brittany at Rennes in 1185 to promulgate the 'Assize'.³⁴ This assumption no doubt says more about the political institutions of *ancien régime* France than it does about aristocratic assemblies in the central Middle Ages. The fact remains that the only evidence for the 'assembly' at which the 'Assize of Count Geoffrey' came into being is the text of the 'Assize' itself. It is not safe to assume that those named in the witness-list were present on any particular occasion. It is probable, however, that some sort of formal session of the ducal *curia* did take place at Rennes in 1185, when the matters set out in the written text of 'Assize' were discussed and decided upon by the duke, bishops, and barons.

The witness-list to the 'Assize' is important because it supplies the earliest evidence of the identities of individuals who were deemed to be *barones Britannie*. The earlier references to the *barones Britannie* do not name individuals (except Eudo de Porhoët, named by Roger of Howden as a defaulting baron). But the witness-list to the 'Assize'

³³ See generally Everard, *Brittany and the Angevins*, pp. 111–14, 182–203; Judith Everard, 'The "Assize of Count Geoffrey" (1185): Law and Politics in Angevin Brittany', in *Expectations of the Law in the Middle Ages*, ed. by Anthony Musson (Woodbridge, 2001), pp. 53–65.

³⁴ At least from Pierre Le Baud's *Histoire de Bretagne* (1505) (*Histoire de Bretagne, avec les chroniques des maisons de Vitré et de Laval par Pierre Le Baud*, ed. by Sire [P.] de Hozier (Paris, 1638), p. 198).

lists, after four of the nine bishops of Brittany, the names of six laymen: Ralph de Fougères, Eudo de Porhoët, Rolland de Dinan, Alan son of Count Henry of Penthièvre, the lord of Pont-l'Abbé in Cornouaille, and Henry son of Henry, the ducal seneschal of Cornouaille. Valuable though this list is, it omits the names of some individuals who were certainly among the leading magnates of the day, such as Geoffrey de Châteaubriant and Andrew de Vitré, although the list does end with the formula, 'et pluribus aliis baronibus'. The names of barons given in the witness-list are, however, supplemented by the various copies of the 'Assize' which were addressed to named barons. Eight of these texts have survived, seven with names included, and there may originally have been more. The barons to whom individual copies of the 'Assize' were addressed were: James and Alan de Châteaugiron, Geoffrey de Châteaubriant, Rolland de Dinan, Guihomar de Léon, Eudo de Porhoët, Alan de Rohan, and Andrew de Vitré. So at least four more of the greatest lay magnates in Brittany are here identified as barons, although the fact they are not included in the witness-list suggests they were not present at the assembly at which the 'Assize' was promulgated.

It seems, then, that at Rennes in 1185 there was an extraordinary assembly of bishops and barons at the ducal *curia*, but that it was not and did not purport to be an assembly of all the barons of Brittany. The *quod omnes tangit* principle may explain this. For the first time, a ducal *actum* was proposed which would directly affect the affairs of the barons, not just tenants of the ducal domains, by regulating their customs regarding succession to land. This could not be done without the consent of those affected.³⁵ The 'Assize' did not apply to the succession customs of all baronial families, only those giving their active consent to this measure by swearing to be bound by it. As noted above, there are only records of eight such baronial consents. So the 'Assize' did not require the consent of all the barons, but only of those who chose to take an interest in it with a view to undertaking to uphold its provisions.

By the late twelfth century, assemblies of aristocrats at the ducal *curia* had a varied history in which, from time to time, the aristocrats had rendered counsel, consent, and even homage to the duke. Domination by an outsider, Henry II, had a particularly formative influence, producing the collective identity of the Breton aristocracy described by the expression *barones Britannie*. This collective identity would survive the Angevin regime and enable the *barones Britannie* to take corporate action in its wake. By the last years of Angevin rule in Brittany, the barons of Brittany began to assemble and act corporately of their own volition, independently of Angevin government. Specifically, this occurred at times when there was a failure of ducal authority. This change is also reflected in the locations of these assemblies, which no longer took place in the ducal capitals. This chapter will conclude with two important assemblies which occurred in 1196 and 1203 respectively.

³⁵ Langmuir, 'Community and Legal Change', esp. pp. 281–82, although I do not agree with Langmuir's assessment of the 1185 assembly that, 'If all were not present, it was nonetheless taken for granted that, in principle, all should have been present and consented' (p. 280).

The Assemblies of 1196 and 1203

The only record of the 1196 assembly is the history of Brittany by Pierre Le Baud, written over three hundred years after the events described. It should nevertheless not be dismissed entirely, since it seems based upon contemporary diplomatic sources.³⁶ In 1196, Brittany was enjoying the government of Duke Geoffrey's widow, Duchess Constance, and looking forward to the succession of their son Arthur (1187–1202). It did not need or want Angevin interference. In 1196 Richard I (1157–99), in a desperate attempt to assert his authority, had Constance taken captive, probably trying to force her give up custody of Arthur. Constance was captive in Normandy, Arthur remained in Brittany but was only nine years old and therefore technically an infant in wardship.

Le Baud gives a detailed account of the response of the Breton aristocracy ('les Barons') to this state of affairs. They managed to communicate with the captive Duchess through the Seneschal of Rennes, who relayed the Duchess's mandate that the barons should, 'se tirassent à son fils Artur, et qu'ils luy fissent fidélité et hommage, et luy servissent et obeissent, en faisant pour luy ainsi qu'ils avoient fait pour elle'. Arthur being of such a young age, he would not have received the barons' homage before, and presumably Constance was seeking to secure Arthur's succession in the event that she was never freed. Consequently, Le Baud continues, the barons assembled in the presence of Arthur at Saint-Malo de Beignon (*canton Guer, arrondissement Ploërmel, département Morbihan*).

If Le Baud is to be relied upon about the location, it is significant in interpreting the evidence for this assembly. Saint-Malo de Beignon was a rural estate and a summer residence of the bishops of Saint-Malo in the hinterland of the diocese, towards the centre of eastern Brittany.³⁷ The location may have been chosen for the security of the young Arthur, who had to be protected from being physically taken into custody by Richard's men. It would have offered greater security to all the participants in the assembly than a location nearer to the coast or the eastern frontier. The latter was completely controlled by the Angevin ruler as Duke of Normandy, Count of Anjou, and Count of Poitou. It was also neutral territory in the sense that it was not ducal territory, and it was physically quite central and proximate to the estates of most of the barons involved.

Le Baud implies that the barons assembled at Saint-Malo de Beignon to render homage, at the request of Duchess Constance, because Arthur was already there. The implication that Arthur was staying at a residence of the Bishop of Saint-Malo suggests that the bishop played an important role in this affair. Perhaps more generally the impetus came from the bishops, because the Bishop of Vannes, Guethenoc, also took an active role, later taking responsibility for the delivery of Arthur to the custody of

³⁶ *Histoire de Bretagne par Pierre Le Baud*, ed. by de Hozier, p. 202. For the historical background, as summarized below, and evaluation of the evidence, see Everard, *Brittany and the Angevins*, pp. 160–66.

³⁷ Everard, *Brittany and the Angevins*, p. 162, n. 58.

Philip II Augustus of France (1180–1223). Bishops would also have had the administrative resources, for instance, to draft and send out letters of summons.

Le Baud had access to contemporary documents, including the ducal archives, in composing his *Histoire de Bretagne*, and he incorporated them in his narrative of the events of 1195–96 (and of 1203, discussed below). The barons who assembled in 1196 can be identified from what may be the witness-list from a diplomatic source, perhaps recording the rendering of homage to Arthur in 1196. Le Baud ends the list with the formula, ‘et grand nombre d’autres’, presumably his translation of ‘et multis aliis’. The same families, even the same individuals, appear in both the 1185 ‘Assize of Count Geoffrey’ and a decade later at Saint-Malo de Beignon: Alan de Châteaugiron and his brother Philip, Geoffrey de Châteaubriant, Geoffrey de Fougères (the son of Ralph), Guihomar de Léon and his brother Harvey, Alan son of Count Henry (of Penthievre), Alan de Rohan, and Andrew de Vitré. The only barons missing are Eudo de Porhoët (either very elderly or deceased by this date) and the lord of Pont-l’Abbé. Rolland de Dinan’s nephew and heir, Alan de Dinan, is also absent, because at the time he was a partisan of the Angevin king, as was at least one baron of the county of Nantes, Harscoët de Rays. In 1196, there are also new appearances: William de Lohéac, Pagan de Malestroit, Amaury de Montfort, and William de la Guerche. William de Lohéac and Amaury de Montfort were courtiers of Duchess Constance. It is also possible that Lohéac and Malestroit had come to prominence with the end of the great barony of Porhoët which had dominated both seigneuries, situated in the same region of Brittany as Saint-Malo de Beignon. The larger number of barons named in connection with the 1196 assembly, compared with 1185, may also reflect the potentially important consequences of this assembly. In rendering homage to Arthur in the circumstances of 1196, the barons were effectively rebelling and rejecting the authority of the Angevin king. It is therefore to be expected that as many as possible would attend to give their consent to this by rendering homage to Arthur.

What had they assembled to do, and to what extent was this a voluntary assembly? Although the location and circumstances were extraordinary, otherwise it appears to have been a now conventional assembly of the barons to render homage and fealty, in this case to the duchess’s infant heir, Arthur. Viewed in this way, this assembly was as much a passive response to the summons of the sovereign as had been the acts of homage and fealty in 1166, 1169, and 1173. The difference was that now the sovereign was not the Angevin king but the native duke (or duchess), and, secondly, that the barons could choose their allegiances. The barons chose whether to support the native ducal regime, represented by Constance and Arthur, or the Angevin sovereign. Le Baud adds that Arthur also made a promise to the barons that he would not make peace with Richard without including them, with the bishops and Guihomar and Harvey de Léon as his sureties. This suggests that there were also discussions about future relations with Richard I, so the barons were also giving advice and consent. The support of most of the barons was essential to the continuation of the native ducal regime. The barons had got power and a mechanism for exercising it.

This was proven in 1203. By way of background, it is well known that King John (1167–1216), the third of Henry II's sons to claim sovereignty over Brittany, caused the death of his nephew Arthur around Easter 1203. There was never a public acknowledgement of this, but after a few months the Bretons accepted that Arthur was dead.³⁸ Arthur was the only son of Duchess Constance, so the succession fell to Constance's daughters. It should have fallen to the eldest, Eleanor, nearly twenty years old but still unmarried and in John's custody. Constance's next surviving daughter was her eldest by her third husband, Guy de Thouars, Alice, born in 1200. Since Constance's death in 1201, it must be assumed that Guy held Alice in wardship subject to the royal will. Guy had handed over government of Brittany to Arthur in 1201 and had returned to the service of King John.³⁹ In 1203, the Breton magnates had to choose between Eleanor and Alice, and, if they chose Alice, to appoint a regent. The outcome was that Alice was to be acknowledged to be the heiress with her father Guy de Thouars as regent, if Guy transferred his allegiance to Philip Augustus. Precisely when, or by what means, this resolution was arrived at is unclear.

Circumstantial evidence shows that such a decision was made, probably during the summer of 1203. The English records of royal government, for instance, show that Guy had abandoned King John by September 1203, when John ordered the forfeiture of the lands and offices Guy had held of him.⁴⁰ There is a historiographical tradition that the decision was made at a great assembly of the bishops and the barons held at Vannes (*chef-lieu, dép.* Morbihan) in 1203.⁴¹ The origin of this tradition is probably Pierre Le Baud's *Histoire de Bretagne*. According to Le Baud, when the Bretons learnt of the death of their young Duke Arthur at the hands of his uncle King John, 'les Evesques, les Barons et le peuple de Bretagne [. . .] s'assemblerent en la cité de Vennes pour deliberer des affaires du pais'.⁴² Le Baud's account may be an anachronistic fiction, coloured by his experience of contemporary institutions such as the Parlement de Bretagne. No earlier source refers to an assembly in 1203, but since Le Baud made use of the primary sources at his disposal it is unlikely that he invented this whole episode. As with Saint-Malo de Beignon, the location of Vannes is plausible, meeting the criteria of being a ducal town and the seat of a bishop, Guethenoc, who actively supported the ducal regime. It was also remote from the vulnerable frontiers with Normandy, Anjou, and Poitou.

³⁸ For a recent survey, see J. C. Holt, 'King John and Arthur of Brittany', *Nottingham Medieval Studies*, 44 (2000), 82–103.

³⁹ For the benefits awarded to Guy de Thouars by King John from 1201 until as late as April 1203, see *Rotuli Litterarum patentium in turri Londinensi asservati*, ed. by Thomas Duffus Hardy (London, 1835), I, 4, 17b, 27.

⁴⁰ *Rotuli de Liberate ac de Misis et de Praestitis regnante Johanne*, ed. by Thomas Duffus Hardy (London, 1844), pp. 63–65, 67.

⁴¹ For example, Chédeville and Tonnerre, *La Bretagne féodale*, p. 102.

⁴² *Histoire de Bretagne par Pierre Le Baud*, ed. by de Hozier, pp. 209–10.

As with Le Baud's account of the 1196 assembly, close reading of his narrative for 1203 suggests it to be based on a diplomatic source.⁴³ The source is not, however, the record of an assembly to decide the succession. When the barons assembled at Vannes, the decision had already been taken.⁴⁴ This is apparent from the fact that the first-named participant is Guy de Thouars, who must already have been offered and accepted the role of regent for Alice. What seems to have been agreed at Vannes was that the Bretons, under the leadership of Guy de Thouars, should make a formal complaint about the murder of Arthur to Philip Augustus as King of France by named emissaries: Peter de Dinan, bishop of Rennes, and Richard 'le Marechal'.⁴⁵

In the case of the 1203 assembly, Le Baud lists the names of some forty 'Barons', representing thirty-five baronies (for some, there is the name of the *baron* and also his younger brother(s) or heir), the ducal seneschals of Rennes and Cornouaille, and ends with the phrase 'et multitude d'autres' (presumably a translation of 'et multis aliis'). This has the hallmarks of a witness-list copied from a contemporary text. The number of barons and baronies listed by Le Baud in the context of 1203 is longer still than that for 1196. This may reflect the significance of the assembly. With events directly affecting every baron, it was important that as many as possible subscribe to Guy's act at Vannes in 1203. The assembly in 1196 had been important, but then the barons had been divided; some had supported Richard I, others may have been trying to avoid the issue. In 1203 there was more concerted action by the barons in what was a greater crisis. Even the Angevin supporters from 1196, the lords of Dinan-Becherel and Rays, now joined their compatriots against John.⁴⁶ Clearly the barons acted corporately and decisively. They had chosen their duke (conveniently, an infant) and acting with the regent, had declared their unified allegiance to Philip Augustus.

⁴³ *Histoire de Bretagne par Pierre Le Baud*, ed. by de Hozier, pp. 209–10.

⁴⁴ There is some evidence for negotiations taking place between King John and the leading Breton magnates from soon after Arthur's capture in July 1202, derived from letters of safe-conduct issued by John in England to the bishops of Nantes and Saint-Brieuc, Alan lord of Penthièvre, Geoffrey de Châteaubriant, William de Fougères, Andrew de Vitré, Eudo son of Eudo de Porhoët, Pagan de Malestroit, and Alan de Rohan (*Rotuli Litterarum patentium*, ed. by Hardy, I, 16, 17, 20).

⁴⁵ Peter de Dinan, bishop of Rennes (1199–1210), is quite plausible both in terms of dates and because he was latterly the ducal chancellor. The identity of 'Richard le Marechal' is more problematical though. It cannot be Richard Marshal, earl of Pembroke, because although he became a baron of Brittany upon his marriage to Gervasia de Dinan, in or before 1224, he would have been too young to have participated in the events of 1203 (*Dictionary of National Biography*, ed. by Sidney Lee and others, 63 vols, 3 Supplements, and an Index (Oxford, 1885–1903), xxxvi (1893), 223–25).

⁴⁶ Alan de Dinan had been succeeded as Lord of Becherel by his daughter Gervasia de Dinan, represented in the 1203 list by her then husband, Juhel de Mayenne (*Histoire de Bretagne par Pierre Le Baud*, ed. by de Hozier, p. 210).

Conclusion

The practice initiated by Henry II, of assembling the leading aristocrats, those who did not hold their lands of the duke (in other words the barons), to render homage and fealty, essential for the exercise of Angevin authority in the short term, in the long term proved detrimental to the Angevin regime. This is because it had a side-effect of defining this ruling *elite*, and accustoming them to the idea and practice of assembling on significant occasions and at times of crisis. This habit provided a mechanism for the 'barons' to act in a corporate manner and following their own interests, not that of the Angevins or the Capetians. The *barones Britannie* may have been an Anglo-Norman construct, but because of the exercise of Angevin authority the construct assumed a reality as a political institution.

Reasons for Assembly in Catalonia and Aragón, 900–1200

ADAM J. KOSTO

The mention of assemblies in Catalonia and Aragón initially recalls the representative bodies of these regions: the Corts and the Cortes. The first meetings of these famous parliaments are usually dated to 1225 and 1227, occasions for which there exists unambiguous evidence for the summoning of representatives of the towns.¹ A second thought about Iberian assemblies evokes the Visigothic councils, those great convocations of the sixth and seventh centuries in which king and Church met to decide the fate of the realm.² But for the period between these councils on the one hand, and the Corts and Cortes on the other, no form of assembly stands out in this region. There is thus great pressure to understand assemblies of the tenth through twelfth centuries as either extensions of the past or preludes to the future. The latter is the more common

¹ Thomas N. Bisson, 'A General Court of Aragon (Daroca, February 1228)', *English Historical Review*, 92 (1977), 107–24; Thomas N. Bisson, 'The Origins of the Corts of Catalonia', *Parliaments, Estates and Representation*, 16 (1996), 31–45; Gaines Post, *Studies in Medieval Legal Thought: Public Law and the State, 1100–1322* (Princeton, 1964), pp. 71–79; *Les Corts a Catalunya: Actes del congrés d'història institucional*, 28, 29 i 30 d'abril de 1988 (Barcelona, 1991). For parallel developments in neighbouring regions, see Thomas N. Bisson, *Assemblies and Representation in Languedoc in the Thirteenth Century* (Princeton, 1964); Evelyn S. Procter, *Curia and Cortes in León and Castile, 1072–1295* (Cambridge, 1980); Joseph F. O'Callaghan, *The Cortes of Castile-León, 1188–1350* (Philadelphia, 1989); *Las Cortes de Castilla y León en la Edad Media: Actas de la primera etapa del Congreso científico sobre la historia de las Cortes de Castilla y León: Burgos, 30 de septiembre a 3 de octubre de 1986*, 2 vols (Valladolid, 1988).

² José Orlandis and Domingo Ramos-Lissón, *Historia de los concilios de la España romana y visigoda*, Colección historia de la Iglesia, 13 (Pamplona, 1986); Rachel L. Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589–633* (Ann Arbor, 2000).

approach: with the Corts and Cortes firmly in mind, institutional historians have searched the records of many tenth-, eleventh-, and twelfth-century gatherings for the slightest hints of representation and consensus. The other approach, viewing assemblies as the continuation of a Visigothic tradition, has unexploited potential. The records of the councils are transmitted in the *Hispana* corpus of canon law. While its impact in this region has been less intensively studied than that of the collections of Visigothic secular law, its direct influence also lasted well beyond the fall of the kingdom in 711.³

An even better approach, and one that anyway should precede a reading of assemblies of the tenth to twelfth centuries as either survivals or precedents, is to attempt to understand these gatherings on their own terms. In this essay I examine assemblies, in the broadest possible sense, neither as continuations of the council tradition nor as forerunners of later representative institutions, but from a more anthropological perspective. I ask a rather simple question: when and why did large groups of people assemble for a specific purpose in Northeastern Iberia between 900 and 1200? I consider briefly five types of occasions (an incomplete list, to be sure): councils, dedications of churches, judicial sessions, collective oath-takings, and peace assemblies.⁴ I close with some thoughts about what these gatherings have in common, thoughts that help to show how these assemblies fit into the longer history of the development of collective behaviour in Iberia and in the medieval West.

Councils

It is difficult to find out the precise number of councils held in Catalonia and Aragón between 900 and 1200, partly because of the nature of the documentation, and partly because of disagreement over which meetings of bishops merit the designation of council. Roughly seventy documented ecclesiastical assemblies from this period have

³ Cebrià Baraut, 'Les actes de consagracions d'esglésies del bisbat d'Urgell (segles IX–XII)', *Urgellia*, 1 (1978), 11–182, No. 71, contains a direct citation to a conciliar text ('secundum kannones Toletani concili .XI. in quadruplum ea, que abstulerit, huic cenobio reddat', p. 154), much like contemporary direct citations to the *Liber iudiciorum*. The most complete study of the latter citations is Aquilino Iglesia Ferreirós, 'La creación del derecho en Cataluña', *Anuario de historia del derecho español*, 47 (1977), 99–423. Jeremy duQuesnay Adams, 'The Eighth Council of Toledo (653): Precursor of Medieval Parliaments?', in *Religion, Culture, and Society in the Early Middle Ages: Studies in Honor of Richard E. Sullivan*, ed. by Thomas F. X. Noble and John J. Contreni, *Studies in Medieval Culture*, 23 (Kalamazoo, 1987), pp. 41–54 (p. 41), posits a 'phenomenological resemblance' between the councils and the Cortes, while discounting any 'genetic connection'. He does not examine this intermediate period.

⁴ Hélène Millet, 'Assemblées', in *Dictionnaire raisonné de l'Occident médiéval*, ed. by Jacques Le Goff and Jean-Claude Schmitt (Paris, 1999), pp. 76–88, takes a similarly expansive view of the phenomenon of assembly. Archibald R. Lewis, *The Development of Southern French and Catalan Society, 718–1050* (Austin, 1965), pp. 364–77, notes the importance of assemblies in this region, though with a focus on dispute settlement.

been described by various authorities as councils. Very few of these assemblies have transmitted official canons; others are simply assumed to have occurred because of contemporary documents such as grants or judicial records that refer to assemblies of bishops or include several bishops among the subscriptions. Thus while some of these seventy assemblies were actual provincial councils, occasionally inspired by the presence of a papal legate, many others clearly were not.⁵ Only a few of these assemblies took place in Aragón, whose diocesan boundaries were constantly shifting as the frontier moved to the south, and whose territories were variously under the control of the provinces of Narbonne, Tarragona, and Zaragoza.⁶

Because of the indirect documentation of these assemblies, we are only occasionally informed about the number of bishops and other officials present. When this information is available, the numbers seldom surpass ten; the largest documented gathering had seventeen official attendees.⁷ The Fifteenth Council of Toledo, held in 688, offers a striking comparison. Sixty-one bishops attended; five who could not attend sent representatives. Eight abbots, three other clergymen, and seventeen lay magnates also subscribed the acts. This amounts to a total official attendance of ninety-four. Five years earlier, at the Thirteenth Council, the subscribers numbered 112.⁸

⁵ In advance of the publication of the relevant volumes of *Synodicon Hispanum*, ed. by Antonio García y García, 7 vols to date (Madrid, 1981–), the best guide is Gonzalo Martínez Díez, 'Concilios españoles anteriores a Trento', in *Repertorio de historia de las ciencias eclesiásticas en España*, 7 vols, Corpus scriptorum sacrorum Hispaniae, Estudios, 1–7 (Salamanca, 1967–79), v (1976), 299–350 (pp. 333–45). Unfortunately, this excludes trans-Pyrenean councils of the province of Narbonne. See also *Sacrorum conciliorum, nova et amplissima collectio*, ed. by Giovanni Domenico Mansi, new edn, 31 vols (Florence, 1759–78), xviii–xxii (1773–78); Karl Joseph von Hefele, *Histoire des conciles d'après les documents originaux*, ed. by Henri Leclercq and others, 11 vols in 22 parts (Paris, 1907–52; reprint Hildesheim, 1973), iv.2, v.1, v.2; *Diccionario de historia eclesiástica de España*, ed. by Quintín Aldea Vaquero, Tomás Marín Martínez, and José Vives Gatlé, 4 vols (Madrid, 1972–75), s.v. *concilios nacionales y provinciales*; *Diccionari d'història eclesiàstica de Catalunya*, ed. by Ramon Corts i Blay, Joan Galtés i Pujol, and Albert Manent i Segimon, 3 vols (Barcelona, 1998–2001), s.v. *concilis provincials de la Tarraconense*.

⁶ Several of the Aragonese councils included in the older collections are known only from forgeries; see Martínez Díez, 'Concilios españoles', pp. 334–36. The Catalan dioceses had more secure boundaries, but they too were transferred in this period from the province of Narbonne to the restored province of Tarragona. See Demetrio Mansilla Reoyo, *Geografía eclesiástica de España: Estudio histórico-geográfico de las diócesis*, 2 vols, Publicaciones del Instituto español de historia eclesiástica, Monografías, 35 (Rome, 1994), II, 198–238.

⁷ Girona 1068 (*Sacrorum conciliorum*, ed. by Mansi, xix (1774), cols 1069–72): archbishops of Narbonne and Auch; bishops of Girona, Urgell, Vic, Agde, Rodez, Comminge, Toulouse (by proxy), and Uzès (by proxy); abbots of Saint-Pons de Thomières, Sainte-Marie de la Grasse, Sant Cugat del Vallès, Sant Martí del Canigó, Sant Pere de Galligants, Sant Salvador de Breda, and Sant Llorenç del Munt.

⁸ *Concilios visigóticos e hispano-romanos*, ed. by José Vives, España cristiana, Textos, 1 (Barcelona, 1963), Nos 32 (XIII Toledo), 34 (XV Toledo).

So compared to the great Visigothic councils, which were national rather than provincial, the councils of Catalonia and Aragón were humble affairs. Of course there were others attending besides the main actors. Bishops and abbots would have been accompanied by members of cathedral chapters and monasteries, and also by personal retainers. Even the unofficial participants would have brought others along with them. In an agreement between a *clericus* named Bernard and a layman concerning tenure of a castle, the layman promised 'that if the said Bernard should happen to go to a council, that he would go along with him if so ordered, and if not, he would supply to Bernard one mule'.⁹ On some of these occasions, members of the lay aristocracy, such as counts and viscounts, were present and would have had their own retinues. Councils, therefore, did not just bring together a dozen or so people. The record of a council at Barcelona in 906 refers to a 'not small crowd of many clergymen of various orders and of lay religious'; in the following year the audience had swollen to a *maxima conglobatio* of clergymen and an *immodica caterva* of lay religious. In both cases, however, the crowd is described as fitting within the cathedral, which in those years was a pre-Romanesque structure, much less grand than the current Gothic edifice.¹⁰ Furthermore, such phrases disappear from later descriptions. The impression given by the documentation, then, is that ordinary councils, meetings of bishops for the discussion of matters of policy and doctrine, were normally relatively small. Only in exceptional cases did they become important assemblies.

Consecrations of Churches

One such category of exceptional cases is the assembly for the consecration of a church. Perhaps the most famous event of this type during this period occurred not on the Iberian Peninsula, but in Italy: the rededication of the abbey church of Monte Cassino by Alexander II in 1071. So many people attended that, in the words of the *Chronicle of Monte Cassino*, 'it would almost have been easier to count the stars in the sky'.¹¹

⁹ Vic, *Arxiu Capitular*, Calaix 6, Pergamins, 1547: 'Iterum convenit ei ut si contigerit predictum Bernardum ire ad concilium quod ipse vadit secum si ipse mandavit ei; sin autem accomodet ei unum mulum', cited by Pierre Bonnassie, *La Catalogne du milieu du x^e à la fin du XI^e siècle: Croissance et mutations d'une société*, 2 vols, Publications de l'Université de Toulouse-Le Mirail, Série A, 23, 29 (Toulouse, 1975-76), II (1976), 769, n. 145 bis.

¹⁰ *Sacrorum conciliorum*, ed. by Mansi, XVIII (1773), cols 253-55, 257-60; *Catalunya romànica*, 27 vols (Barcelona, 1984-98), XX (1992), 155-57, 162-63.

¹¹ *Chronica monasterii Casinensis*, III, 29, ed. by Hartmut Hoffmann, MGH SS, 34 (Hannover, 1980): 'Fama itaque huius rei longe lateque vulgata tanta totius fere Italie episcoporum, abbatum, monachorum, clericorum, magnatum, nobilium, mediocrium diverseque condicionis virorum pariter ac mulierum ad diem conductam multitudo confluit, ut stellarum fere celi quam illorum omnium numerositatem cuilibet fuerit estimare facilius' (p. 398). A more detailed account appears in Leo Marsicanus, *Narratio de consecratione et dedicatione ecclesiae Casinensis* (ed.

While Catalonia can offer nothing to compete with such a poetic description, it does have its own particular type of evidence for these gatherings. Canon 5 of the Second Council of Braga of 572 required that before a bishop could proceed with the dedication of a church, he needed to be in possession of a charter recording its endowment.¹² In Catalonia, this rule produced a documentary type, the *dotalia*. In its most common form, the *dotalia* recorded the origins of the church in question, described the act of consecration, and listed the various moveable and real properties included in the endowment, occasionally giving the names of individual donors. Several hundred of these texts have survived in various forms from the ninth through twelfth centuries.¹³ They are a tremendous resource for historians interested in settlement patterns, anthroponymy, toponymy, rural economy, communal solidarity, liturgy, culture, and many other subjects. They are of interest for the study of assemblies because, not surprisingly, church dedications were major events in the life of a community and thus attracted large crowds. The endowment charters allow a closer examination of these gatherings.

The *populus* had no constitutive function in the rite for the dedication of a church. Catalan documents often note at whose request the bishop acted, and this might include the members of the community; but although various *ordines* mention the presence of the people, a ceremony would be perfectly valid in their absence.¹⁴ Still, the documents do show that they were in fact there alongside the high ecclesiastical and lay officials who were named individually. Sometimes this was done with generic references, ranging from the very brief ('with clergy and lay people of both sexes') to the highly elaborate ('with the viscounts and many other princes and abbots, with clergy and knights joining in, and innumerable people of both sexes').¹⁵ These might be simply empty formulae, and indeed the dedication and endowment charter that appears in the highly

by Tommaso Leccisotti, in Angelo Pantoni, *Le vicende della Basilica di Montecassino attraverso la documentazione archeologica*, Miscellanea Cassinese, 36 (Montecassino, 1973), pp. 213–25. See Herbert Bloch, *Monte Cassino in the Middle Ages*, 3 vols (Cambridge, MA, 1986), I, 41–42, 118–21.

¹² *Concilios visigóticos*, ed. by Vives, No. 11 (II Braga), canon 5: 'non prius dedicet ecclesiam aut basilicam nisi antea dotem basilicae et obsequium ipsius per donationem chartulae confirmatam accipiat' (p. 83). This canon was integrated into the pseudo-Isidorian decretals and then into Gratian (C. I q. 2 c. 1).

¹³ Baraut, 'Les actes'; Cebrià Baraut, 'Set actes més de consagracions d'esglésies del bisbat d'Urgell (segles IX–XII)', *Urgellia*, 2 (1979), 481–88; *Les dotalies de les esglésies de Catalunya (segles IX–XII)*, ed. by Ramon Ordeig i Mata, 3 vols in 6 parts (Vic, 1993–2002).

¹⁴ Brian Repsher, *The Rite of Church Dedication in the Early Medieval Era* (Lewiston, NY, 1998); *Lexikon für Theologie und Kirche*, 2nd edn, 10 vols (Freiburg, 1957–65), s.v. *Kirchweihe*. Cf. Robert L. Benson, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton, 1968), pp. 25–35.

¹⁵ Baraut, 'Les actes', Nos 72 ('unam cum clericis ac laicis utriusque sexus', p. 154), 50 ('simul cum vicecomitibus ceterisque pluribus principibus et abbatibus, clericorum atque militum viris admixtis, populorum vero utriusque sexus fuit ibi innumera', p. 125).

influential formulary of Ripoll contains such a phrase.¹⁶ In many other cases, however, scribes provide the names of individual participants. These appear in three places in the document. Generic descriptions are expanded:

and there came along with him a huge crowd of innumerable men, clergy and lay, and there were present there many noble men, namely lord Pere Guillem and Arnau Ermemir and Mir Ermemir and Bernat Geribert and Ramon Mir and Guillem Company and Ramon Sendred, who was an upright cleric of that place, and all the neighbours and parishioners of it, whose names would be excessively long to list.¹⁷

More revealing is the individual listing of donors. At the consecration of the church of Santa Maria de Guissona in 1098,

practically all of the more noble men from beyond the region of Urgell and our own were there, and certain of them made offerings from their own possessions for the future maintenance of the church.¹⁸

The scribe lists many individuals before breaking off with a plea that a full enumeration would be too long. Later, however, he documents all individual donations, forty-two in total, and all the donors subscribed the document. Such a large number of donors is not unique. Forty donors with families, and ecclesiastical and lay officials, both with retinues, and also members of chapters or monastic communities: a crowd of a couple of hundred people assembled for such an event would not be out of the ordinary.

The construction of a church was very much the work of the community, and these communal endowments served to symbolize that fact. In several cases, the documents specify that the community itself was behind the construction and that the community held the church jointly.¹⁹ However, even when a great local lord provided most of the financial support for the construction of the church, the community was in a sense cre-

¹⁶ Michel Zimmermann, 'Un formulaire du x^{ème} siècle conservé à Ripoll', *Faventia*, 4.2 (1982), 25–86 (pp. 67–69).

¹⁷ Baraut, 'Les actes', No. 70: 'veneruntque multitudo copisoa cum eo innumerabilium virorum, clericorum seu laicorum, et adfuerunt ibi multi nobiles viri, videlicet dominus Petrus Guilelmi et Arnallus Ermemiri, Miroque Ermemiri et Bernardus Guerberti, Reimundique Mironis et Guilelmus Companni et Reimundus Sendredi, qui erat probus clericus illius loci, omnesque illius vicini et comparroechiani quorum nomina perlonga fuerant adnotari' (p. 149).

¹⁸ Baraut, 'Les actes', No. 75 ('De nobilioribus citra regionis Urgelli et nostratibus omnes pene adfuerunt et quidam illorum de suis possessionibus ecclesie cultoribus profuturis perpetim obtulerunt, scilicet [. . .] aliorumque multorum tam nobilium et ceterorum, quorum nomina recensere nobis longissimum est', p. 163). Cf. Nos 42, 49.

¹⁹ For example, Baraut, 'Les actes', Nos 13 ('rogatus a populo ibidem abitantium, qui aeclesiam ibi edificaverunt', p. 69), 80 ('parrochiani de Caputrido Ceritanie perfecerant ecclesiam in honorem beati Saturnini pontificis et martiris', p. 168). See Pierre Bonnassie and Pierre Guichard, 'Rural Communities in Catalonia and Valencia (from the Ninth to the Mid-fourteenth Centuries)', in Pierre Bonnassie, *From Slavery to Feudalism in South-Western Europe*, trans. by Jean Birrell (Cambridge, 1991), pp. 243–87 (pp. 244–46); Baraut, 'Les actes', pp. 17–18.

ated by being permitted to participate with their humble donations. Communal participation gave expression to the corporate existence of the congregation of the faithful.

The dedication assembly served at least three other functions. First, it was in origin a more elaborate version of the ceremony for the transfer of land between individuals; witnesses to a memorable ceremony and the creation of a written record would help to guarantee the church's possession of lands donated as endowment. A second function was the public fixing of the parish boundaries, the territories within which the newly consecrated church had an exclusive right to tithes. The full development of parish networks occurred only in the eleventh century, and in this process consecrations of churches played an important part.²⁰ The third was the marking out of the *sagrera*, the inviolable area surrounding the church, normally set at a distance of thirty paces.²¹ *Sagreras* appear in Catalonia in the second third of the eleventh century. Episcopal confirmation of the *sagrera* became so important that a centuries old church might be reconsecrated to establish its validity.²² Thus if the dedication of a church was essentially a communal religious event, it was also an assembly with legal functions associated with the publicity of the donations and of territorial designations.

Judicial Assemblies

A well-known early medieval document from Catalonia records the assembly of an entire village, not for a dedication of a church, but for the conclusion of a judicial dispute. In 913, more than five hundred inhabitants of the valley centred on the monastery of Sant Joan de les Abadesses acknowledged that they held their lands from the abbess. Five hundred and ten inhabitants are named individually in the document, which survives in the original, either in the text or in the subscriptions. This recognition took place at a judicial assembly. The document begins by naming the two counts, two viscounts, seven judges, nine priests, seventeen laymen, the judicial officer, and the

²⁰ For example, Baraut, 'Les actes', No. 64 ('Trado ipsa parrochia ad domum sancti Felici, ut omnes homines qui infra hunc terminum laboraverint cum hunc decimas et primitias quod nominari possit homo ad iam dicta ecclesia semper incurrant deinceps et in antea. Ut nullus sacerdos infra hunc terminum constitutum decimas vel primitias usurpet', p. 142); see Baraut, 'Les actes', pp. 23–24, and Flocel Sabaté i Curull, *El territori de la Catalunya medieval: Percepció de l'espai i divisió territorial al llarg de l'Edat Mitjana*, Publicacions de la Fundació Salvador Vives i Casajuana, 123 (Barcelona, 1997), pp. 72–82.

²¹ For example, Baraut, 'Les actes', Nos 76 ('cimiterium per circuitum .xxx. passuum', p. 165), 85 ('cimiterium .xxx^a. pasuum', p. 176). See Karen Kennelly, 'Sobre la Paz de Dios y la *sagrera* en el condado de Barcelona (1030–1130)', *Anuario de estudios medievales*, 5 (1968), 107–36; Ramon Martí, 'L'ensagrera: L'adveniment de les *sagreras* feudals', *Faventia*, 10 (1988), 153–82; Sabaté i Curull, *El territori*, pp. 82–87.

²² For example, *Cartulario de 'Sant Cugat' del Vallés*, ed. by José Rius Serra, 3 vols, Textos y estudios de la Corona de Aragón, 3–5 (Barcelona, 1945–47), No. 614. See also Martí, 'L'ensagrera', p. 161.

representative of the abbey who were present. The document suggests that the 510 inhabitants were there as well: they 'acknowledged, together as one' in response to the interrogation of the judges, while the text of the acknowledgment itself begins and ends with references to the fact that it was performed in the presence of the tribunal.²³ The assembly probably numbered considerably more than five hundred. Analysis of the names reveals 276 households, 234 represented by couples, 42 by single individuals. The most recent analyst of the document has suggested a household multiplier of four to five; if this is correct, and everyone came to the assembly, the crowd would have numbered between one thousand and fifteen hundred.²⁴ This is an exceptional document, but the occasion was not. At the opposite end of the period under consideration here, in 1176, the Bishop and canons of Urgell settled a dispute with the inhabitants of the Vall d'Andorra. Although these were not formal judicial proceedings, 376 inhabitants subscribed the record, this time only the men.²⁵ In other cases, mostly from before 1000, individual villages, rather than entire valleys, appeared as litigants.²⁶

Even when entire valleys or individual villages did not turn out as parties to a dispute, a judicial assembly could be a formidable gathering. Two other groups involved in judicial proceedings had the potential to become quite large. The first was the tribunal itself. Records of judicial assemblies from the heyday of the comital courts in the tenth century regularly record the names of the president of the tribunal; the judges, who ranged in number from just one or two to as many as fourteen; and other individuals in whose presence the hearing took place, who elsewhere and occasionally in this region are called *boni homines*.²⁷ This listing often trails off into the stock phrase 'and many others', but some documents record over twenty persons on the tribunal in some capacity.²⁸

²³ *El archivo condal de Barcelona en los siglos IX-X: Estudio crítico de sus fondos*, ed. by Federico Udina Martorell (Barcelona, 1951), No. 38: 'Appetitione Hictore, qui est assertor vel mandatarius Emmone, gracia Dei, abbatissa, vel cuncta congregacione [...] vel ab interrogacione de supradictos iudices professi sumus nos simul in unum' (p. 158). Cf. app. II A.

²⁴ Gaspar Feliu i Montfort, 'Sant Joan de les Abadesses: Algunes precisions sobre l'acta judicial del 913 i el poblament de la vall', in *Homenatge a la memòria del Prof. Dr. Emilio Sáez: Aplec d'estudis dels seus deixebles i col·laboradors* (Barcelona, 1989), pp. 421-34.

²⁵ Cebrià Baraut, 'Els documents, dels anys 1151-1190, de l'Arxiu Capítular de La Seu d'Urgell', *Urgellia*, 10 (1990-91), 7-349, No. 1711.

²⁶ For examples, see Cebrià Baraut, 'Els documents, dels segles IX i X, conservats a l'Arxiu Capítular de La Seu d'Urgell', *Urgellia*, 2 (1979), 7-145, No. 67; *El archivo condal*, ed. by Martorell, app. II D; Jaime Marqués Casanovas, 'Sobre los antiguos judíos de Gerona', *Sefarad*, 23 (1963), 22-35 (pp. 29-31).

²⁷ Karin Nehlsen von Stryk, *Die boni homines des frühen Mittelalters: Unter besonderer Berücksichtigung der fränkischen Quellen*, Freiburger rechtsgeschichtliche Abhandlungen, n.s., 2 (Berlin, 1981), esp. pp. 40-41, 111-37, 172-82, and 286-89 on Iberian sources.

²⁸ For example, Ramon d'Abadal i de Vinyals, 'Com neix i com creix un gran monestir pirinenc abans de l'any mil: Eixalada-Cuixà', *Analecta Montserratensia*, 8 (1954-55), 125-337, app. 64; *El archivo condal*, ed. by Martorell, No. 35; *Cartulario de 'Sant Cugat'*, ed. by Rius Serra, No. 317. On the composition of judicial tribunals in this period, see Jeffrey A. Bowman,

Formal judicial assemblies were much less common in the eleventh century, when other mechanisms of dispute resolution came to the fore, but a revival of the comital court took place in the mid-twelfth century. Records survive of eleven judicial sessions held in the presence of Ramon Berenguer IV of Barcelona (1131–62). Nine of these identify the members of the tribunals, which range in size from two to thirteen; six of the tribunals consisted of eight or more members.²⁹

In informal or ad hoc tribunals, the participants received a variety of designations or were described as performing various functions such as approving, advising, witnessing, or being present, and they were similarly listed at length.³⁰ Although these twelfth-century tribunals were on a smaller scale than their tenth-century precedents, they could still be quite sizeable.

The third potentially large group was that of the witnesses. A particular documentary form, that of the *conditiones sacramentorum* recording judicial oaths, preserves the names and numbers of witnesses who were called to testify to a certain state of affairs. Again, these are most common in the tenth century. The procedure of *reparatio scripturae*, the method prescribed by the Visigothic Law for the restoration of lost documentation, could draw a substantial crowd, both official witnesses and members of the audience. During the winter of 878–79, the monks of Sant Miquel de Cuixà organized a series of hearings to reconstitute documents lost in a flood. At the first assembly, fifteen witnesses testified; at the second, seven; at the third, ten; at the fourth, twelve.³¹ The witnesses could testify to the contents of these documents, some of which were thirty years old, because the monastery had made a point of having many of them read aloud at assemblies two years earlier. At these assemblies the witnesses, and presumably many others, had been present.³²

'Law, Conflict, and Community Around the Year 1000: The Settlement of Disputes in the Province of Narbonne, 985–1060' (unpublished doctoral dissertation, Yale University, 1998), pp. 98–147.

²⁹ Barcelona, Arxiu de la Corona d'Aragó, Cancelleria reial, Pergamins, Ramon Berenguer IV, 154, 237, 242, 300, 304, 305, 333, sense data 11, sense data 12, sense data 13; *Cartulario de 'Sant Cugat'*, ed. by Rius Serra, No. 1031. All eleven are printed in *Colección de documentos inéditos del Archivo general de la Corona de Aragón*, ed. by Próspero de Bofarull y Mascaró and others, 50 vols to date (Barcelona, 1847–), IV (1849), Nos 40, 67, 71, 88, 98, 99, 113, 114, 145, 146, 147.

³⁰ See examples in Adam J. Kosto, *Making Agreements in Medieval Catalonia: Power, Order, and the Written Word, 1000–1200*, Cambridge Studies in Medieval Life and Thought, 4th series, 51 (Cambridge, 2001), pp. 104–07.

³¹ Abadal i de Vinyals, 'Com neix i com creix', app. 57, 58, 59, 60. See Jeffrey A. Bowman, 'Authority and Written Proofs: Using Lost Evidence in Medieval Courts', unpublished paper presented at the 114th Annual Meeting of the American Historical Association, Chicago, IL, 8 January 2000.

³² Abadal i de Vinyals, 'Com neix i com creix', app. 57 ('presentes eramus in villa Ascarone cuando commendabat Miro comes ad Barone abbate et Protasio monacho suas scripturas emptionis et preceptum regalem, et vidimus ipsas scripturas legentes et relegentes', p. 274),

Another judicial procedure that called for many witnesses was the solemn publication of a will. At the publication ceremony of the will of Ramon Berenguer IV in 1162, three magnates swore to the wishes of the count, as he had not left a written will. Their testimony was witnessed by nine bishops and a judge; they, along with thirty others, subscribed the document.³³ The publication ceremony of the will of a simple priest in 1011 lists by name a priest, three judges, eleven more clergymen, and six laymen, besides the usual *aliorum quamplurimi*. It then lists the four individuals who brought the will for publication, and the three individuals who swore to its validity. This relatively routine legal procedure thus involved an assembly of at least twenty-eight individuals.³⁴ In extraordinary circumstances, a large body of witnesses was required for the initial drafting of the will itself. The will of Alfonso I of Aragón (c. 1073–1134), the controversial document by which he bequeathed his kingdom to the military orders, lists more than sixty witnesses and suggests, again, that there were many more.³⁵

When the litigants, tribunal, and witnesses came together, there was the potential for an impressive event. In 916, the inhabitants of Vilamacolum acknowledged at a judicial assembly that they were obligated to pay a *census* to the Count of Empúries. The charter records the presence of the president, nine judges, a judicial officer, the judicial representative of the count, eleven others *in presencia*, thirty-five inhabitants, thirty-three witnesses, eighteen *auditores*, and a scribe: a grand total of 120 individuals.³⁶

When the count or king was present, a judicial assembly was one manifestation of the phenomenon known as the court, or *curia*.³⁷ But the *curia* had other functions, less in evidence for not being associated with a particular documentary form. The *curia* was

app. 58 ('presentes eramus in dicta valle Confluentanea, in locum Exalata, ante domum Sancti Andree apostoli Christi, et in placitos laicales; ubi vidimus et audivimus ipsas scripturas legentes et regentes quas Baro abba in sua potestate habuit', p. 275).

³³ *Liber feudorum maior: Cartulario real que se conserva en el Archivo de la Corona de Aragón*, ed. by Francisco Miquel Rosell, 2 vols, Textos i estudios de la Corona de Aragón, 1–2 (Barcelona, 1945–47), No. 494.

³⁴ Antoni M. Udina i Abelló, *La successió testada a la Catalunya altomedieval*, Textos i documents, 5 (Barcelona, 1984), app. 89.

³⁵ Elena Lourie, 'The Will of Alfonso I, "El batallador", King of Aragón and Navarre: A Reassessment', *Speculum*, 50 (1975), 635–51 (pp. 648–69).

³⁶ María Isabel Simó Rodríguez, 'Aportación a la documentación condal catalana (siglo X)', in *Miscelánea de estudios dedicados al profesor Antonio Marín Ocete*, 2 vols (Granada, 1974), II, 1011–36, No. 2. Six days later, the inhabitants sold half of the village; the charter records the names of close to one hundred inhabitants, men and women (Simó Rodríguez, 'Aportación', No. 3).

³⁷ The term *curia* appears first in Aragón and in the western county of Urgell. See *Glossarium mediae latinitatis Cataloniae: Voces latinas y romances documentadas en fuentes catalanas del año 800 al 1100*, ed. by M. Bassols de Climent and others, 1 vol. to date (Barcelona, 1960–), s.v.; José Balari Jovany, *Orígenes históricos de Cataluña*, 2nd edn, 3 vols, Biblioteca filológica-histórica, 10–11 bis (Sant Cugat del Vallès, 1964), II, 396–98.

at once the group of individuals surrounding a count or king, and the assembly of those individuals. Consider two examples. The franchise charter granted by Alfons I of Barcelona (Alfonso II of Aragón) to the inhabitants of Barcelona in 1163 begins: 'I, Alfons [. . .] in the first *curia* that I held at Barcelona after the death of my father, with the counsel and guidance of all my *curia* [. . .]'. He goes on to name fourteen magnates, including five bishops — whose guidance he definitely needed, as he was only five years old.³⁸ In 1180, when Alfons was more independent administratively, the noble Galceran de Pinós acknowledged a debt and handed over pledges to him. This was done in the *plena curia* before which he had been called by the count-king.³⁹ Most references to the *curia* come not from records of the events themselves such as this, but from promises in written agreements and oaths of fidelity of 'court service': either attendance at a lord's court, or accompanying the lord to the court of another lord. Given the surviving documentation, it should be possible to reconstitute fairly exactly the membership and patterns of meeting of various *curiae*, though this work has not yet been done systematically.⁴⁰

Oath Assemblies

In the absence of better evidence for the workings of the *curia*, the most visible of politically significant assemblies in the Iberian world are collective oath ceremonies. Here, too, a Visigothic tradition provides the background. At least three of the councils of Toledo refer to oaths of allegiance to king, people, and nation, as does a passage of the *Liber iudiciorum*, the important witness of Visigothic and Roman vulgar law which survived the rule of Islam.⁴¹ The precise nature of the ceremony during which these oaths

³⁸ *Cartas de población y franquicia de Cataluña*, vol. I, *Textos*, ed. by José Maria Font Rius, 2 parts, Consejo superior de investigaciones científicas, Escuela de estudios medievales, Textos, 36, Publicaciones de la Sección de Barcelona, 17 (Barcelona, 1969), No. 120: 'Ego Ildefonsus [. . .] in prima curia quam post obitum patris mei Barchinone tenui, cum consilio et providentia totius mee curie' (p. 173).

³⁹ *Fiscal Accounts of Catalonia under the Early Count-Kings (1151–1213)*, ed. by Thomas N. Bisson, 2 vols (Berkeley, 1984), No. 36.

⁴⁰ On court service, see Kosto, *Making Agreements*, p. 90. The composition and movements of the *curia* of Alfons I, for example, could be followed in detail using Jaime Caruana, 'Itinerario de Alfonso II de Aragón', *Estudios de Edad Media de la Corona de Aragón*, 7 (1962), 73–298, and *Alfonso II Rey de Aragón, Conde de Barcelona y Marqués de Provenza: Documentos (1162–1196)*, ed. by Ana Isabel Sánchez Casabón, Fuentes históricas aragonesas, 23, Publicaciones de la Institución 'Fernando el Católico', 1691 (Zaragoza, 1995).

⁴¹ *Concilios visigóticos*, ed. by Vives, No. 21 (IV Toledo), canon 75, No. 27 (X Toledo), canon 2, No. 36 (XVI Toledo), canon 10; *Leges Visigothorum*, II.1.7, ed. by Karl Zeumer, MGH Leges, 1 (Hannover, 1902). See P. D. King, *Law and Society in the Visigothic Kingdom*, Cambridge Studies in Medieval Life and Thought, 3rd series, 5 (Cambridge, 1972), pp. 41–43.

were given is unknown, though there is some indication that they were written and preserved. Written oaths were produced, for example, at the trial of Duke Paul for treason against the Visigothic king, Wamba (672–80).⁴² Two documents from the second half of the eleventh century record collective oaths of villages to the counts of Pallars Sobirà; internal indications suggest that they represent an earlier tradition.⁴³ Occasional collective oaths from relatively small groups, usually of castellans, survive from the late eleventh and early twelfth centuries.⁴⁴ Collective oath ceremonies involving entire populations, however, whether of villages, towns, or counties, appear only in the twelfth-century records. Again the evidence for the size of these gatherings is offered by subscriptions to written versions of the oaths. An oath of the men of Provence to Ramon Berenguer III of Barcelona (1096–1131), the text of which is incomplete, contains ninety-three names, grouped by lineage; an oath from the men of Carcassonne to the same count lists roughly five hundred names.⁴⁵ These were oaths of submission, given as the count took control of these trans-Pyrenean lands. The earliest oaths to his successor, Ramon Berenguer IV, were linked to his acquisition of the kingdom of Aragón through his proposed marriage to the daughter of Ramiro II of Aragón (c. 1080–1157). The act of 1137 by which Ramiro granted to the Count of Barcelona ‘my daughter as wife with the whole realm of Aragón’ and commended to him ‘all the men of the said realm under homage and fidelity’ was subscribed by thirty-two Aragonese *barones*.⁴⁶ An oath formula — the space for the name is left blank — dated two weeks later notes that it was sworn by ‘all the citizens (*burgenses*) of Huesca’, a chief town of Aragón. An undated document, presumably from the same period, records the oaths of men of Jaca and other Aragonese castles: the document lists 448 names, organized by twelve separate locations.⁴⁷ Here Ramon Berenguer IV was following Aragonese tradition: Ramiro II himself had received such

⁴² *Iudicium in tyrannorum perfidia promulgatum*, c. 6, ed. by Wilhelm Levison, in *Passiones vitaeque sanctorum aevi Merovingici (III)*, ed. by Bruno Krusch and Wilhelm Levison, MGH SS rer. Merov., 5 (Hannover, 1910), p. 534.

⁴³ Barcelona, Arxiu de la Corona d’Aragó, Cancelleria reial, Pergamins, Ramon Berenguer I, sense data 183, sense data 185; Bonnassie, *La Catalogne*, I (1975), 139–40.

⁴⁴ For example, Barcelona, Arxiu de la Corona d’Aragó, Cancelleria reial, Pergamins, Ramon Berenguer I, sense data 53, sense data 112, sense data 144, sense data 186; *Liber feudorum maior*, ed. by Miquel Rosell, No. 500.

⁴⁵ *Liber feudorum maior*, ed. by Miquel Rosell, Nos 878, 832.

⁴⁶ *Liber feudorum maior*, ed. by Miquel Rosell, No. 7 (= *Colección de documentos inéditos*, ed. by de Bofarull y Mascaró and others, IV, No. 24): ‘dono tibi [. . .] filiam meam in uxorem, cum totius regni Aragonensis integritate [. . .] Et comendo tibi omnes prephati regni homines sub hominio et iuramento ut sint tibi fideles’ (p. 12).

⁴⁷ *Colección de documentos inéditos*, ed. by de Bofarull y Mascaró and others, IV, Nos 25 (‘omnes burgenses oscenses’, p. 61), 159; Antonio Ubieto Arteta, ‘Sobre demografía aragonesa del siglo XII’, *Estudios de Edad Media de la Corona de Aragón*, 7 (1962), 578–98.

oaths at the outset of his reign.⁴⁸ Two other collective oaths to Ramon Berenguer IV survive from later in his reign and outside Aragón: one from the men of Provence, when he took over as count from his brother in 1146, and one in 1154 from the men of Béarn after the death of their viscountess. In this latter document, ecclesiastical officials and *proceres* are listed first, followed by the men (*homines*) of three regions.⁴⁹

Ramon Berenguer's rights in Béarn were grounded in his Aragonese rather than his Catalanian lordship. Thus, here again the collective oath ceremony is not quite proper to Catalonia. The first such documented assemblies within Catalonia itself celebrated the accession of Ramon Berenguer's son, the count-king Alfons I, at Barcelona, and then at Tortosa in 1163; another assembly met in Aragonese territory at Zaragoza in 1164.⁵⁰ Just as his predecessor did, Alfons I collected such oaths in his northern territories from various groups later in his reign, principally from the men of the viscounts and counts of the Midi who submitted their lands to him in the 1170s and the 1180s: the *homines* of Perpignan, Carcassonne, Limoux, and Melgueil; the *habitantes* of Nîmes; and the *milites* of the Viscount of Béziers and Carcassonne. Again, when subscriptions survive, they are often organized by rank, by lineage, or geographically.⁵¹ The collective oath ceremony was not limited to the count-kings. When Alfons granted the county of Bigorre to Gastón of Béarn, he promised that all the magnates and knights of the county, and one hundred of the *maiores* in each village, would swear fidelity.⁵² At least one record survives to document an analogous collective oath to a bishop. In 1162 lord Arnau de Caboet and the inhabitants of the Pyrenean valleys of Cabó and Sant Joan swore fidelity to Bishop Bernat Sanç of Urgell; the original document contains over 330 subscriptions.⁵³

⁴⁸ Federico Balaguer, 'La *Chronica Adefonsi Imperatoris* y la elevación de Ramiro II al trono aragonés', *Estudios de Edad Media de la Corona de Aragón*, 6 (1956), 7–40. Cf. *Chronica Adefonsi Imperatoris*, c. 62, ed. by Luis Sánchez Belda, Consejo superior de investigaciones científicas, Escuela de estudios medievales, Textos, 14 (Madrid, 1950): 'Coniuncti sunt autem nobiles et ignobiles milites de tota terra Aragonensi, tam episcopi quam abbates et omnis plebs, omnesque pariter sunt congregati in Iacca, civitate regia, et elegerunt super se regem quemdam monachum germanum regis Alfonsi, nomine Radimirum' (pp. 49–50).

⁴⁹ *Liber feudorum maior*, ed. by Miquel Rosell, No. 882 (rubric only); *Colección de documentos inéditos*, ed. by de Bofarull y Mascaró and others, IV, No. 81.

⁵⁰ *Colección de documentos inéditos*, ed. by de Bofarull y Mascaró and others, VIII (1851), Nos 7, 9, 10.

⁵¹ *Liber feudorum maior*, ed. by Miquel Rosell, Nos 793 (Perpignan), 861 (*milites* of Roger, viscount of Béziers and Carcassonne), 862 (Carcassonne and Limoux, rubric only), 869 (Melgueil); *Spicilegium sive collectio veterum aliquot scriptorum qui in Galliae bibliothecis delituerant*, ed. by Luc d'Achery, new edn ed. by Étienne Baluze, Edmond Martène, and Louis-François-Joseph de la Barre, 3 vols (Paris, 1723), III, 543–44 (Nîmes).

⁵² *Liber feudorum maior*, ed. by Miquel Rosell, No. 21.

⁵³ Baraut, 'Els documents, dels anys 1151–1190', No. 1562; partial edn in Charles Baudon de Mony, *Relations politiques des comtes de Foix avec la Catalogne jusqu'au commencement du XIV^e siècle*, 2 vols (Paris, 1896), app. 16.

The division of these lists of jurors by rank and geographical region has excited the interest of historians looking for the origins of representation. So has the association of some of these assemblies with grants of urban privileges.⁵⁴ Two more facts deserve mention as well: the many people involved, and the seemingly routine nature of these reunions. Collective oath ceremonies are very much a part of the broader tradition of assembly in this region.

Peace Assemblies

The Peace assembly has been so well studied in recent years that there is no need to address it in great detail here.⁵⁵ It is worth noting, however, that Peace assemblies combine many elements of the four types of assemblies discussed above. They were at once episcopal gatherings, comital *curiae*, and communal oath-takings; they are even connected to assemblies for the consecration of churches by their inclusion of the institution of the *sagrera*. Records survive from eighteen occasions in the eleventh and twelfth centuries at which the Peace or the Peace and Truce were declared, all but one from Catalonia rather than from Aragón. The nature of these assemblies changed over time: it is common to distinguish the earlier 'sanctified' Peace from the later 'instituted' Peace.⁵⁶ In all its guises, however, the Peace assembly remained a large and important gathering.

The earliest assemblies in Catalonia, in 1027, 1030, and 1033, were primarily ecclesiastical affairs, drawing on the Aquitanian tradition of the Peace and sponsored by the Abbot and Bishop Oliba. They were also very open events. At the first, Oliba met with the archpriest, archdeacon, sacristan, chorister, and other canons of the see of Elne, but also with 'a crowd of the faithful, not only men, but also women'. Because of the size of the crowd, they met not in the cathedral, nor in a local church, but in the field of Touluges. In 1033, the popular lay element is not as evident, but the expansive nature of the assembly remains clear: 'This is the Peace confirmed by bishops and abbots and counts and even viscounts and other magnates and the rest of the Christians who fear God'.⁵⁷

⁵⁴ For example, Bisson, 'A General Court', p. 109.

⁵⁵ On Catalonia in particular, see Gener Gonzalvo i Bou, *La Pau i la Treva a Catalunya: Origen de les Corts Catalanes*, Curs d'història de Catalunya, 11 (Barcelona, 1986); Jeffrey A. Bowman, 'Councils, Memory, and Mills: The Early Development of the Peace of God in Catalonia', *Early Medieval Europe*, 8 (1999), 99–129. Generally, see Hartmut Hoffmann, *Gottesfriede und Treuga Dei*, MGH Schriften, 20 (Stuttgart, 1964); *The Peace of God: Social Violence and Religious Response in France around the Year 1000*, ed. by Thomas Head and Richard Landes (Ithaca, NY, 1992).

⁵⁶ Thomas N. Bisson, 'The Organized Peace in Southern France and Catalonia, ca. 1140–ca. 1233', *American Historical Review*, 82 (1977), 290–311.

⁵⁷ *Les constitucions de Pau i Treva de Catalunya (segles XI–XIII)*, ed. by Gener Gonzalvo i Bou, Textos jurídics catalans, Lleis i costums, 2.3 (Barcelona, 1994), Nos 1 ('convenit Oliba, pontifex Ausonensis, ad vicem Berengarii, Helenensis episcopi, tunc temporis in transmarinis

At a second group of assemblies, four held between 1064 and 1068, the bishops were still directing the proceedings — at Girona, a declaration of the Peace and Truce was added on to the decrees of a church council headed by a papal legate — but the secular powers were more present. At Barcelona, three bishops confirmed the Peace ‘by order of the count and countess’ and, notably, ‘with the assent and acclaim of the magnates of their land and other Christians who fear God’. A second assembly at Touluges involved the Archbishop of Narbonne and two other bishops, but also five counts. Again, it was held in the field, and although the *populus* is not mentioned, the location and the memory of the earlier assembly would have drawn them in.⁵⁸

The Peace and Truce were not taken up again until 1108, when the move towards comital and then royal control of the institution was increasingly clear, and popular participation had been rejected. Bishops remained involved, of course: the Peace and Truce were declared at councils celebrated by a papal legate at Lleida in 1155 and 1173,⁵⁹ or by joint action of counts and bishops.⁶⁰ In the last quarter of the twelfth century, however, the Peace was normally promulgated as a royal decree issued with the support of the *curia*. These assemblies are the ones that shade most easily into the earliest meetings of the Corts.⁶¹ Even if a popular element is no longer present, the gatherings could still get quite large: the crowd of lay participants consisted no longer of peasants agitating for reform, but of nobles swearing individually to follow the proposed legislation. Over one hundred magnates subscribed and swore to uphold a Peace for the county of Urgell declared in 1187; ninety-six swore to uphold the Peace declared by Pere I in 1200.⁶²

partibus peregrini, una cum Idalchero, sanctae Helenensis Ecclesiae archipresbitero, et Gaucelino, archidiacono, et Ellemaro, sacriscrinio et choraule Gauzberto, et caeteris praefatae Sedis canonicis, coetuque sacrorum ducum, caterva quoque fidelium, non solum virorum, sed etiam feminarum, convenerunt in comitatu Rossilionense, in prato Tuluies’, pp. 3–4), 2, 3 (‘Hec est pax confirmata ab episcopis et abbatibus et comitibus necnon vicecomitibus et ceteris magnatibus et reliquis christianis Deum timentibus’, p. 9).

⁵⁸ *Les constitucions*, ed. by Gonzalvo i Bou, Nos 4 (‘facta est confirmacio pacis sive pacti Domini ab episcopis, videlicet, Berengario, Barchinonensi, et Guillelmo, Ausonensi, et Berengario, Gerundensi, necnon et abbatibus et diversi ordinis clericis religiosis, apud Barchinonam, in ecclesia Sedis Sancte Crucis, iussu domini Raymundi et domine Almodis, Barchinone principum, assensione et clamacione illorum terre magnatum et ceterorum christianorum Deum timencium’, p. 14), 6; see also Nos 5, 7.

⁵⁹ *Les constitucions*, ed. by Gonzalvo i Bou, Nos 12, 13.

⁶⁰ *Les constitucions*, ed. by Gonzalvo i Bou, Nos 8 (Ramon Berenguer III, with the counsel of the Bishop of Barcelona), 9 (Ramon Berenguer III and Bishop of Elne), 10 (Archbishop of Tarragona and bishops of Vic and Girona in the presence of Ramon Berenguer III), 11 (Archbishop of Tarragona and Ramon Berenguer III).

⁶¹ *Les constitucions*, ed. by Gonzalvo i Bou, Nos 14, 15, 17, 18, 19, 20.

⁶² *Les constitucions*, ed. by Gonzalvo i Bou, Nos 16, 20.

Conclusion

Councils, church dedications, judicial sessions, collective oath-takings, and Peace gatherings were hardly the only reasons for assembly in medieval Catalonia and Aragón; they are merely the best documented ones. Peasant economic initiatives, important noble weddings⁶³ and funerals, religious festivals, mobilizations of military forces,⁶⁴ coronation ceremonies:⁶⁵ these and many other types of events would have given occasion to large gatherings that formed part of the tradition of assembly in this region. Two things unify this tradition. The first is the flexible and multifunctional nature of the assembly. In 1020, for example, a large assembly gathered at the monastery of Sant Cugat to celebrate the saint's feast day. The monks of Ripoll found this to be the perfect occasion at which to initiate a legal claim, and the festive assembly was transformed into a judicial one.⁶⁶ Similarly, dedication ceremonies might produce councils, or councils peace assemblies.⁶⁷ The key fact about assemblies was not so much the purpose for which they were initially instituted. Rather, it was the presence of many people who could perform any variety of functions while they were together.

The second unifying factor lies in the precise role of the people making up the assembly as a whole, rather than the roles of any individual figures. Occasionally, large groups may have had an official or quasi-official function in the assembly: entire villages were litigants in judicial proceedings, for example, and hundreds of nobles swore together in collective oath-takings; the crowd at a church dedication was both witness to transfers of land and a symbolic participant in the creation of a spiritual body. In each of these cases, however, and in assemblies generally, the principal effect of the large gathering was to render the proceedings public — public not in the sense of a dichotomy between public and private exercise of power, or between public and private order, but rather in the sense of manifest and open as opposed to hidden or secret, a

⁶³ Martin Aurell, *Les noces du comte: Mariage et pouvoir en Catalogne (785–1213)*, Publications de la Sorbonne, Série histoire ancienne et médiévale, 32 (Paris, 1995).

⁶⁴ James F. Powers, *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages, 1000–1284* (Berkeley, 1988), esp. chaps 4 and 6.

⁶⁵ Little is known about Aragonese coronation ritual before the thirteenth century; see Percy Ernst Schramm, 'Die Krönung im aragonesischen Königreich', in his *Kaiser, Könige und Päpste: Gesammelte Aufsätze zur Geschichte des Mittelalters*, 4 vols in 5 parts (Stuttgart, 1968–71), IV.1 (1970), 352–71.

⁶⁶ *Diplomatari i escrits literaris de l'abat i bisbe Oliba*, ed. by Eduard Junyent i Subirà and Anscari M. Mundó, *Memòries de la Secció històrico-arqueològica*, 44 (Barcelona, 1992), No. 64; *Les constitucions*, ed. by Gonzalvo i Bou, No. 7.

⁶⁷ *Diplomatari*, ed. by Junyent i Subirà and Mundó, No. 72; *Les constitucions*, ed. by Gonzalvo i Bou, No. 2 (= *Diplomatari*, Textos literaris, No. 20).

distinction discussed in the Visigothic councils themselves.⁶⁸ Publicity may or may not have established proceedings as legitimate, but it did make them known and helped to assure their persistence in the memory of the community. Ultimately, it was not any juridical function of the assembly, but its role in the context of communities — political, religious, economic, or social — that gave it its significance.

⁶⁸ Thomas N. Bisson, 'The "Feudal Revolution"', *Past & Present*, 142 (1994), 6–42 (pp. 9–12), approaches this second sense: 'What was "public" [. . .] was open and deemed legitimate.' For a more extensive treatment, with reference to the Visigothic material, see Mayke de Jong, 'What Was *Public* about Public Penance? *Paenitentia publica* and Justice in the Carolingian World', in *La giustizia nell'alto medioevo (secoli IX–XI)*, 2 vols, *Settimane di studio del Centro italiano di studi sull'alto medioevo*, 44 (Spoleto, 1997), II. 863–902, esp. pp. 872–73 and 893–97.

Galbert of Bruges on Political Meeting Culture: Palavers and Fights in Flanders During the Years 1127 and 1128

A. DEMYTTENAERE

Coming together to work and to play, to eat and to drink, to bargain, to gossip and to laugh, to dance, to make music and love, to discuss and to quarrel, to make peace and to prepare for war, to commemorate our gods, our kings, our dead, and of course ourselves, to display our knowledge, art, garments, and standing — coming together for combined action, ‘meeting’, is at the core of social life. If we analyse some meetings, we focus on fragments of a vast, never-achieved social tissue with an intertwining and capricious weave; meetings, occasional or planned, secret or public, come in a bewildering variety of sizes, purposes, specialization, stylization, frequency, and mutual connections.

Given the limitations of the human mind, restricting our scope is unavoidable. Here, we will confine ourselves to some political meetings in early-twelfth-century Flanders: gatherings of only a few persons, larger assemblies, and mass meetings. Many meetings are mainly, although seldom exclusively, concerned with decision-making. They deal, roughly speaking, with the question: ‘what is to be done?’. The Dutch language has distinct words for such meetings: the substantive *vergadering* and the verb *vergaderen*, usually meaning ‘to hold a *vergadering*’.¹ These meetings can be primarily deliberative, tending towards or conducive to decision-making, or primarily confirmative,

¹ See Wilbert van Vree, *Meetings, Manners and Civilization: The Development of Modern Meeting Behaviour* (London, 1999), pp. 11–19. Originally, the meaning of the words *vergadering* and *vergaderen* was very broad; the terms could even refer to battles, wedding parties, and sexual intercourse. The author maintains that the history of the semantic specialization of these words reflects a societal development in the Netherlands.

proclaiming and enforcing previous decisions. We call such meetings 'political' when their decisions are concerned with the government and the organization of a society.

In Flanders, during the convulsive years 1127 and 1128, the common future was at stake. Intense meeting activity broke out. Many interconnected political meetings, great and small, deliberative and confirmative, public and secret, were held. How did these meetings come about within an existing 'web' of communication and transport? Did they hark back to traditional modes of communication, deliberative structures, and meeting forms? Were old forms changing, or were new forms developing, catering for new wishes and demands? Who was present, from which groups or ranks, and from where? Whom did they represent? Was it representation by delegation or by self-constitution? And what part did the participants play in decision-making?

We here touch upon the development of democracy, a development that cannot be conceived as a continuous march towards an inevitable and definitive triumph, but as a series of multiple shifts in the distribution of power. Within and between the segments of a single society, and between societies, the distribution fluctuates between two extreme, fictitious positions: total inequality and total equality of the persons involved. If the balance moves in the direction of total inequality, then 'vertical' connections become predominant: social relations become *unilateral* and decisions are accepted because they are the decisions of an authority such as the *Führer*, the president, the king, the pope, the director, or the father. 'Consensus' then means a yielding to the constraints of power, obedience beyond any exchange of opinions and wants. On the other hand, if the distribution tends towards total equality, 'horizontal' connections come into existence: the social relations become *reciprocal* and develop — on the political level — in the direction of absolute democracy. 'Consensus' then implies participation by all persons involved in the 'coming about' of decisions. Absolute democracy is obviously a fictitious construct, in the same way as is absolute monarchy, in which a dictator acts without regard to anyone's wishes or opinions.

The Work of Galbert of Bruges and Flanders at the Beginning of the Twelfth Century

For early-twelfth-century Flanders relatively well-documented answers can be given to our questions. This is due in part to the bloody murder of the Count of Flanders, Charles the Good, on 2 March 1127, in the church of St. Donatian, the castral church of Bruges. The dramatic event unleashed a series of profound crises in Flanders. However, one man's death is another man's meat. Historians are fortunate in that the murder triggered somebody close to the fire, Galbert of Bruges, a functionary at the comital court, to write a reasoned war journal. Searching for the divine intentions behind the course of events, he reported the murder and the subsequent troublesome and spectacular adventures from March 1127 to the Summer of 1128. Galbert reveals himself as a unique, wonderful witness, a keen observer who, despite his perplexity and his disillusionment,

seeks to treat the events as he saw and understood them, in addition considering oral and written information. His diary will be our main guide.²

At the time of Galbert Flanders consisted of a territorial political system in which many groups were enmeshed in an extensive web of direct and indirect relations. The principality stretched from the Canche and the hills of Artois in the north of present-day France to Zeeland Flanders under the western Scheldt in the present-day Netherlands, and from the North Sea, in the west, to the Scheldt and the Dender in the east. Flanders was a political unit under the central authority of a count; his countship west of the Scheldt was a fief of the French crown, but the region between the Scheldt and the Dender belonged to the German Empire. The feudal bond between the King of France and the count, who indeed was the king's vassal for the greatest part of Flanders, can be likened to a military alliance. The count was the most eminent warlord in Flanders, the wealthiest landowner, and the feudal lord of the most prominent men of the land. He acted as a sovereign ruler in his county, in which a collective consciousness, a feeling of being part of the one fatherland, Flanders, was awakened.³

The top rank of society after the count comprised a dozen warlords. They were called peers (*pares*), or by a more general term (also referring to kings, counts, and other

² Galbertus notarius Brugensis, *De multro, traditione et occisione gloriosi Karoli comitis Flandriarum*, ed. by Jeff Rider, *Corpus Christianorum: Continuatio Mediaevalis*, 131 (Turnhout, 1994). This edition will be quoted as *Galbert*. We call the work of Galbert a 'journal' in the sense that, except for the prologue and a few chapters, the events are ordered according to their course from day to day; it does not mean that the order in which Galbert rendered the events was always the order in which the information about the events reached him. For an acute analysis of the complex composition of Galbert's work, see Jeff Rider, *God's Scribe: The Historiographical Art of Galbert of Bruges* (Washington, 2001). As the events related by Galbert are largely armed struggles, we speak of a *war journal*.

³ A summary of the early history of Flanders: François Louis Ganshof, 'La Flandre', in *Histoire des institutions françaises au Moyen Age*, ed. by Ferdinand Lot and Robert Fawtier, vol. 1, *Institutions seigneuriales* (Paris, 1957), pp. 343–426. Concerning the social and political situation in Flanders at the time of Galbert of Bruges, see Jan Dhondt, 'Les "Solidarités" médiévales: Une société en transition', *Annales: Economies-Sociétés-Civilisations*, 12 (1957), 529–60 (a translation, with the omission of some interesting notes, was published as 'Medieval Solidarities' in *Lordship and Community in Medieval Europe*, ed. by Frederic L. Cheyette (New York, 1968), pp. 268–90); the 'Introduction' of *The Murder of Charles the Good, Count of Flanders by Galbert of Bruges*, trans. by James Bruce Ross, 2nd edn (New York, 1967), pp. 3–75; Raoul C. van Caenegem, 'Historische Inleiding: de Vlaamse crisis van 1127–1128', in *De moord op Karel de Goede*, ed. by Albert Demyttenaere, Raoul Van Caenegem, and Luc Devliegher, 2nd edn (Louvain, 2001), pp. 13–71. Concerning 'national consciousness': Dhondt, 'Les "Solidarités" médiévales', pp. 555–60; idem, 'Les origines des états de Flandre', *Standen en Landen*, 1 (1950), 5–52 (pp. 6, 19; also in idem, *Estates or Powers: Essays in the Parliamentary History of the Southern Netherlands from the XIIIth to the XVIIIth Century*, with an Introduction and Bibliographical and Critical Supplement by Wim Blockmans (Heule, 1977), pp. 57–104; A. Demyttenaere, *Galbert of Bruges and the Honour of the Land* (forthcoming).

powerful and leading men), *principes*, or by a less general term (excluding kings, dukes, and counts), *barones*. They were recognized as the equals of the count (*pares comitis*), apart from the homage they rendered him. Their castles in the eastern and southern border regions of Flanders formed a defensive belt against the enemies of the county. The count was the feudal lord of the relatively autonomous adjacent southern counties of Guines, Boulogne, Saint-Pol (its count being the direct vassal of the Count of Boulogne), and Hesdin. The interior of Flanders, except the region between the Scheldt and the Dender, was divided into districts, 'castellanies'. Viscounts, 'castellans', invested with judicial, military, and police authority, resided as the count's agents in the comital castles, holding their office, but not their castles, in fief from the count. The peers, and the castellans generally, belonged to the nobility, a small group of very prominent families. As military commanders, male members of this upper class were knights, but the caste of the knights did not coincide with the nobility. A peculiar aspect of Flanders in this period was its precocious urban development and the appearance of urban communities as impressive political forces.⁴

An Urban-Regional Assembly on 27 March 1127

What happened? When the childless Count Charles was murdered on 2 March 1127 by members of a powerful clan, the Erembalds, the election of a new count was at stake. The count's administration was compromised. Bertulf, the godfather of the treacherous Erembalds, was simultaneously provost of the chapter of St. Donatian and, linked with that office, the head of the comital administration. Both the traditional political forces and a new force, that of the towns, manifested themselves in bids for power.

Some weeks after the murder, on 27 March, the prominent burghers of Bruges came together with notables convoked from the region around the city with the problem of succession in mind. They met, Galbert writes, 'in the field that borders on the urban settlement within the enclosure of the town', and they swore on the saints' relics, brought there for the occasion, as we can deduce from other gatherings on that field.⁵ A certain Folpert, called *judex*, began. He swore that he would elect as a count of the land

someone who will rule the realm of his predecessors, the counts, in a beneficial way, who is able to maintain by force the rights against the enemies of the fatherland, who will prove himself to be merciful and generous towards the poor and dedicated to God, treading the

⁴ See the previous notes and Ernest Warlop, *The Flemish Nobility before 1300*, 2 vols in 4 parts (Courtrai, 1975–76), I.1 (1975), 136–42 (concerning the peers), 106–35 (concerning the castellans), and 95–101 (concerning knighthood and nobility).

⁵ *Galbert*, c. 51: '[. . .] in agrum quod suburbio adjacet intra septa villae [. . .]'. Concerning the transport of the relics to the Sand, cf. the meeting on 6 April 1127, *Galbert*, c. 55: '[. . .] convenerunt rex et comes [. . .] in agrum consuetum in quo scrinia et reliquiae sanctorum collatae sunt [. . .]'.

path of righteousness, and who is willing and able to serve the common benefit of the fatherland.⁶

After Folpert, the honourable men of Bruges, 'all the best citizens' ('omnes meliores civium') as Galbert calls them, swore in the same way. Next came the convoked notables, 'all the strongest and best men' ('omnes fortiores et meliores') from twelve places in the region around Bruges. 'From IJzendijke, Adelard, the *scabinus*, with his armed following, from Oostburg Haiol with the local powerful men, from Aardenburg Hugo of Baarle⁷ and the strong men of that place', and all the strongest and best men from Lapscheure, Oostkerke, Uitkerke, Lissewege, Slijpe, Gistel, Oudenburg, Lichtervelde, and Jabbeke. Finally Galbert, impressed by the large number of participants, writes: 'there was a very big crowd of people together swearing the same'.⁸ Thus we may assume that all these honourable men compacted with each other, one by one, according to the same ritual formula, swearing on the relics of the saints. For sure many bystanders, among whom were Galbert and the clergy who brought the relics, were watching, together with the saints who, through their relics, were present in their own way.

The meeting place was a field at the western exit of the town. It was called 'the Sand' (or 'the Sands': *Harenae*); even now a large part of this former field is called 't Zand'.⁹ A few days later, an encounter was organized on the same field between the peers and the gathered citizens.¹⁰ In all probability here — 'on the usual field' Galbert says — on 6 April the citizens did homage to William Clito (1102–28), the successor of the deceased count, in the presence of the King of France, the canons of St. Donatian, many knights, and men from the region.¹¹ The following year, on 6 March the Sand was again the scene of a mass meeting: the clergy and the citizens of Bruges came with some peers and with Thierry of Alsace († 1168), a rival of William Clito, to whom the peers, in the presence of everyone, did homage.¹² The following day Thierry, the peers, the clergy, and the citizens returned to the Sand and the citizens, with some men of Ghent, did homage to Thierry.¹³ This field, we may conclude, was the usual place for massive political meetings between the townspeople and men from outside, such as knights from

⁶ Galbert, c. 55.

⁷ Hugo of Baarle (*Hugo Berlensis*): Baarle (or Berle) was a locality near Aardenburg. See Maurits Gijsseling, *Toponymisch Woordenboek van België, Nederland, Luxemburg, Noord-Frankrijk en West-Duitsland (vóór 1226)*, 2 vols (Brussels, 1960), I, 90.

⁸ Galbert, c. 51: 'Eratque multitudo maxima conjurantium in idipsum'.

⁹ Galbert, c. 16: '[. . .] apud Harenas in exitu suburbii [. . .]'. Luc Devliegheer, 'Brugge in het dagboek van Galbert', in Demyttenaere, Van Caenegem, and Devliegheer, *De moord op Karel de Goede*, pp. 94–95.

¹⁰ Galbert, c. 52: 'Igitur Walterus [. . .] litteras protulit [. . .] coram universis civibus nostris qui confluerant simul in agrum praedictum [. . .]'.

¹¹ Galbert, c. 55: '[. . .] in agrum consuetum [. . .]'.

¹² Galbert, c. 102: '[. . .] convenerunt in exitu castris apud Harenas [. . .]'.

¹³ Galbert, c. 103: '[. . .] reversi sunt apud Harenas [. . .]'.

the region, peers, candidate-counts, and their followings. Bruges was part of a larger social and political unit, and the big and dry area of the Sand, at the exit of the town, was well suited to mass meetings that were not of a purely intra-urban kind.

The citizens had another meeting place at the heart of the town: the big market, situated next to the castle and some six hundreds metres east of the Sand. The main street of the town (now Steenstraat) led from the west through the Sand to the market. This market, an unpaved and marshy square, in the middle of which stood the church of St. Christopher, was the public theatre of daily urban life.¹⁴ And in those days many spectacular and dramatic events went on there! On 9 March 1127, the murderers of the count and their henchmen were driven into the castle and besieged. Galbert recorded that on 19 March the market was so full of armed men that the spearheads looked like an impenetrable wood. 'That was not surprising', he added,

because that day everybody in the whole realm [the county of Flanders] had streamed into the town: for loot or for vengeance, or to steal the count's body or to gape at everything that was going on there.¹⁵

Anticlockwise, starting from IJzendijke in the Northeast to Jabbeke in the Southwest, Galbert sums up the twelve places whence the notable men came to the Sand. All these places lay within the castellany of Bruges, in which a court, made up by a college of probably twelve magistrates (Latin: *scabini* or *judices*; Dutch: *schepenen*; French: *échevins*) presumably appointed by the count, treated cases concerning the district that were not reserved to the comital court. The court of the castellany had its origins in the Carolingian 'comital court', presided over by a 'count', a local agent of the royal power within the circumscription of a *pagus*. The castellany of Bruges, dating from the end of the tenth or the beginning of the eleventh century, included the old *pagus Flandrensis* (the coastal area from Aardenburg to the mouth of the Yser), the small *pagus Rodanensis* (the region of Aardenburg), and, to the south, part of the old dismembered *pagus Mempiscus* (North of the Lys).¹⁶ Bruges, the administrative centre of the castellany, was

¹⁴ Devliegheer, 'Brugge in het dagboek van Galbert', p. 95.

¹⁵ Galbert, c. 45.

¹⁶ Concerning the Carolingian roots of the regional court: François Louis Ganshof, *Recherches sur les tribunaux de châtellenie en Flandre avant le milieu du XIII^e siècle* (Antwerp, 1932), pp. 81–84. Concerning the twelve members of the court: *ibid.*, pp. 68–69, and Ernest Warlop, 'De vorming van de grote schepenbank van het Brugse Vrije', *Standen en Landen*, 44 (1968), 3–29 (pp. 5–6). Concerning the origin of the castellannies: Jan Dhondt, 'Note sur les chatelains de Flandre', in *Etudes historiques dédiés à Roger Rodière* (Arras, 1947), pp. 43–51 (pp. 48–49) (according to Dhondt the castellannies in Flanders are a creation of Baldwin V (1035–67)); Anton Carl Frederik Koch, 'Die flandrischen Burggrafschaften: Wesenszüge und Entstehung', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Germanistische Abteilung*, 76 (1959), 153–72 (pp. 169–71) (according to Koch the castellannies date from 993–94, during the government of Count Baldwin IV († 1035)). Concerning the union of the *pagus Flandrensis* and the *pagus Rodanensis*: Koch, 'Die flandrischen Burggrafschaften', p. 163; Jan Dhondt and Maurits Gyseling, 'Vlaanderen, oorspronkelijke ligging en etymologie', in *Album Prof. Dr. Frans Baur*

situated at the border of the *pagus Flandrensis* and the *pagus Rodanensis*. The assembly on the Sand thus fitted within the old networks of the castellany. The participants were no strangers to each other, and the messengers, who had to be mobilized for the convocation, could go on beaten paths, in a figurative and literal sense. On horseback, and sending out several couriers, the summoning of the assembly, starting from Bruges, and the actual gathering on the Sand could, in daylight and in time of peace, presumably be done within twelve hours; IJzendijke and Slijpe, each situated some thirty kilometres from Bruges, were the most distant places of those mentioned by Galbert.¹⁷

Who was Folpert, the *iudex*, the man who started the oath-swearing? He was not a 'judge', but a *scabinus*. Probably he was a member of the regional court and presumably he was a citizen of Bruges; there is no convincing reason to believe that Bruges at the time possessed its own urban court, separated from the regional court of the castellany.¹⁸ Was Adelard, the *scabinus* from IJzendijke, a colleague of Folpert? Did Galbert subsequently refer to the other *scabini* of the court without explicitly mentioning their office?¹⁹

(Antwerp, 1948), pp. 192–220 (p. 200). Concerning the borders of the old *pagus Flandrensis*, see Dhondt en Gysseling, 'Vlaanderen', pp. 192–96, and, for an important correction of the opinion of Dhondt and Gysseling concerning the southern border of the old *pagus Flandrensis*: Anton Carl Frederik Koch, 'Wanneer kwam het vorstendom Vlaanderen tot stand?', *Handelingen van de Maatschappij voor Geschiedenis en Oudheidkunde te Gent*, n.s., 3 (1948), 131–41 (pp. 132–35). Concerning the old *pagus Mempiscus*, see Anton Carl Frederik Koch, 'Le territoire des Ménapiens', *Tijdschrift voor Rechtsgeschiedenis*, 18 (1950), 19–35.

¹⁷ Throughout the night of 30 March the citizens sent for the prominent men with whom they had sworn on the Sand; the following day they met each other at Bruges: Galbert, cc. 52–53. On the day of the murder a servant of Count Charles fled, at dawn, on horseback from Bruges and reached Ypres, some fifty kilometres south of Bruges, at noon; he could not, in view of the dangerous situation, take the main road (he had to ride 'per devia'): Galbert, c. 16.

¹⁸ Concerning *iudex* in the sense of *scabinus*: *Chronique et cartulaire de l'abbaye de Bergues-Saint-Winnoc*, ed. by A. Provost, 2 vols (Bruges, 1874–78), I (1874), 79. Concerning the urban court: Raoul C. van Caenegem, *Galbert van Brugge en het recht*, Mededelingen van de Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van België, Klasse der Letteren, 40.1 (Brussels, 1978), pp. 3–35 (pp. 32–35). According to Frans Blockmans, 'De oudste privileges der groote Vlaamsche steden', *Nederlandsche Historiebladen*, 1 (1938), 421–46 (p. 430), an urban court at Bruges already existed before 1127; Warlop, 'De vorming van de grote schepenenbank van het Brugse Vrije', p. 5, n. 122, does not believe in the existence of such a court before 1127, but he believes that it was in existence on 29 March 1127 (according to him, Folpertus was probably a *scabinus* of the urban court); although Galbert does not mention explicitly such a far-reaching innovation, François Louis Ganshof, 'Le droit urbain en Flandre au début de la première phase de son Histoire (1127)', *Revue d'Histoire du Droit*, 19 (1951), 387–411 (pp. 395–96), maintains that the privileges given to Bruges on 6 April 1127 implied the creation of an urban court.

¹⁹ A hypothesis similar to that formulated by Ganshof, *Recherches sur les tribunaux*, p. 70 (referring to Henri Pirenne, who guessed that by 'all the strongest and best men' (Galbert, c. 51) the *échevins/scabini* are meant (see *Histoire du meurtre de Charles le Bon, comte de Flandre*

If so, the assembly on the Sand was an enlarged session of the regional court. However, Adelard from IJzendijke may have been a member of a rural court, connected with an administrative subdivision of the castellany (Dutch: *ambacht*, Latin: *officium* or *ministerium*). Although we do not know much about the rural courts of this time, we may assume that they were already in existence.²⁰ Moreover, Galbert did not list twelve different *scabini*, but twelve different localities from which the mighty men, one of them designated as *scabinus*, came. Judging from the scarce evidence, we cannot assume that every *scabinus* of the regional court came from a different place.²¹ Furthermore, if every locality was represented by a *scabinus*, then Folpert was a thirteenth member, which is very unlikely.

The initiative for the meeting came from the prominent citizens who convoked the men from the region. Among the urban elite, Folpert, perhaps occupying a high position as a member of the court of the castellany, came first. Straight after the citizens came the mighty men from the region, starting with Adelard from IJzendijke. Possibly a *scabinus* of a local count, he was clearly a local commander, the leader of a body of armed men, probably knights tied to him by homage. It is likely that several of the mighty men, such as Haiol of Oostburg and Hugo of Baarle, belonged to other rural courts, or even to the regional court. All participants, at least those who took the oath, were persons of distinction; yet they did not belong to the upper social and political layer of Flanders. There were no peers or castellans among them. At that very moment the peers of Flanders were in conference at Arras, deliberating with the King of France on the election of a new count, while the castellan of Bruges, Didier Hacket, was absent. Being a member of the Ermbald clan, he had fled into the castle and there was being besieged with the murderers of Charles.²²

Was the meeting on the Sand a new phenomenon or did it go back to a traditional, regularly held regional assembly that was distinct from the court of the castellany and beyond the influence of the count's interference? We can only guess. Whatever its status, the meeting resulted in a sworn association of honourable people — the prominent citizens of the town and mighty knights of the surrounding region — with a revolutionary claim: the future of all the land and the election of a count, seen as the

(1127–28), ed. by Henri Pirenne, Collection de textes pour servir à l'enseignement de l'histoire, 10 (Paris, 1891), p. 81, n. 13).

²⁰ Warlop, 'De vorming van de grote schepenbank van het Brugse Vrije', pp. 5–8.

²¹ An observation made by Christiaan Schrickx in my seminar on 'Politieke vergadercultuur in Vlaanderen in het begin van de twaalfde eeuw' (University of Amsterdam, 2002). See, e.g., the list of witnesses in a charter of 1163, in *De oorkonden van de graven van Vlaanderen (juli 1127–1128)*, ed. by Thérèse de Hemptinne and Adriaan Verhulst (Brussels, 1988), no. 218, p. 340: Thierry, count of Flanders transfers land to the abbey of St. Martin at Tournai 'coram summa scabinorum'; the twelve scabini are mentioned by name. Among them we find 'Radulphus de Sclypes et Rainfredus fratris ejus'. We may assume that Radulf and Reinfried both came from Slijpe.

²² Galbert, cc. 38, 54; Didier Hacket escaped on 1 April.

guardian of the common interest, were *their* concern and not the exclusive province of the peers or the King of France.²³

The Comital Court of 27 February 1127

The Erembalds, so Galbert tells us, were, despite their impressive wealth and power, of servile birth and formally belonged to the count.²⁴ When he tried to lay hands on them as his serfs, the sleeping dogs woke up. They hatched their evil plans and took the life of their lord. An incentive for the murder of the count arose from the inveterate hostility between the Erembalds and the clan of Straten (now Saint-André and Varsenare), then a few kilometres southwest of Bruges. During a private war, the stronghold of Thanemar, head of the clan of Straten, was attacked by the armed following of some Erembalds, in particular the young and brazen Borsiard, who lived on domains near Thanemar. The squires began to plunder the peasants. Then the knights followed their lead. As wild and voracious beasts 'they snatched and devoured the flocks and the cattle of the country-people'. Finally the 'nephews of the provost' violently seized the belongings, clothes, silver, and furniture of the peasants for the benefit of their henchmen.²⁵

This ravaging of the countryside took place during the absence of the count, who was supporting his feudal lord, Louis VI, king of France (1081–1137), in an expedition against the Count of Auvergne.²⁶ 'Then', Galbert wrote, 'the peasants heard that the count had arrived at Ypres, and at night and secretly they went to him with about two hundred men'.²⁷ Before the comital court at Ypres, they complained to the count, asking for the restitution of their seized goods. The court was in session on 27 February, as we learn from Walter of Théroutanne, the author of a hagiographical account of Charles the Good (written 1127–30). Walter had been summoned there by the count for another matter. He also briefly reported the complaints of those who were victims of the 'men from Bruges', as he calls the plundering Erembalds.²⁸ The ravaging of the country severely compromised the famous peace policy of the counts, which was conceived of as an age-old matter of fact. 'From the beginning of the realm', according to Galbert, 'no count had tolerated pillage going on in the realm',²⁹ and Walter wrote:

²³ See Dhondt, 'Les origines des états de Flandre', pp. 16–17 (esp. n. 30).

²⁴ Galbert, cc. 7, 8, 13.

²⁵ Galbert, cc. 9, 10.

²⁶ Sugerus, *Vita Ludovici Grossi*, ed. and trans by Henri Waquet, *Les classiques de l'histoire de France*, 11 (Paris, 1929), c. 29.

²⁷ Galbert, c. 10.

²⁸ *Vita Karoli comitis, auctore Waltero archidiacono Tervanensi*, ed. by Rudolf Köpke, in *Historiae aevi Salici*, ed. by Georg Heinrich Pertz and others, MGH SS, 12 (Hannover, 1856), c. 20. This edition will be quoted as *Walter*.

²⁹ Galbert, c. 9.

It was from ancient times and by the counts of our land prescribed and since then observed as if it were a law that, when a private war, however great, broke out between people, no one in Flanders should presume to rob something or to seize or despoil any one.³⁰

Indeed, since the beginning of the eleventh century the Flemish counts, reviving Carolingian ideals within the boundaries of their principality, manifested themselves increasingly as the defenders of public security and the guardians of that common good, for which so many solemn oaths were sworn on the Sand at Bruges. The counts of course could not bend social reality at will: apparently they did not immediately forbid private wars, but they did try to restrain the ravaging consequences of wars, just as they did not forbid the bearing of weapons, but only their use in certain places, such as towns and markets.³¹

How did the news of the count's arrival at Ypres, some fifty kilometres south of Bruges, reach the peasants? We do not know, but clearly they had their connections. Possibly they were informed by members of the clan of Straten or by other spokesmen. Judging by the goods falling prey to the plunderers, not all of the peasants were impoverished. As the rural economy in Flanders was flourishing — probably an important condition for the development of the Flemish towns — we may assume that the country around Bruges was involved in commercial, market-oriented activities.³² The peasants were certainly no isolated rustics, totally uninformed of what was going on in the county. Their mental and social horizon stretched beyond the limits of their own rural communities, as is well demonstrated by their secret march to Ypres and their complaints before the court. Moreover, such collective action requires organization and preparatory meetings between members of different communities; unfortunately Galbert tells us nothing about the peasants' preliminary organization and gatherings, nor about a possible involvement of the men of Straten.

A night-time journey was not without problems. Darkness hid the traveller from his enemies' views, yet deprived him, if lanterns or torches were lacking, from seeing his path. The darker it was, the more one had to rely on an acquaintance with the roads and a developed sense of direction to reach the desired destination. Escorted only by a squire, in the night before 10 March Isaac, a nephew of the brazen Borsiard, fleeing Bruges with his wife and personnel, arrived near Ypres, sixty-five kilometres from Ghent, convinced that he had arrived at Ghent itself (some forty-five kilometres east of Bruges).³³ Not everyone had sufficient knowledge of the countryside to find his way

³⁰ *Walter*, c. 19.

³¹ *Galbert*, c. 1: '[. . .] indixit [. . .] ut absque armorum usu communiter degerent, quicumque aut in foro aut in castra manerent et conversarentur, alioquin ipsis plecterentur armis quae ferent'.

³² See Erik Thoen, 'The Count, the Countryside and the Economic Development of the Towns in Flanders From the Eleventh to the Thirteenth Century: Some Provisional Remarks and Hypotheses', in *Studia Historica Oecomenica: Liber amicorum Herman Van der Wee*, ed. by Erik Aerts and others (Louvain, 1993), pp. 259–78 (pp. 264, 277–78).

³³ *Galbert*, cc. 30, 39.

without the assistance of a good and trusty guide. Bertulf, the provost of St. Donatian, fled in the night of 17 March and he was, as Galbert tells, guided to a desolate region called Mor (some twenty kilometres southwest of Bruges). He was abandoned there: 'in that region, unknown to him, he did not know where to flee or from whom'.³⁴

The peasants departing for Ypres could support and guide each other through the night, and probably took the main road through Torhout, a trading town like Ypres. Were they accompanied by armed men of the clan of Straten? Safely arrived, they begged the count for his 'customary, paternal help'. Galbert wrote:

The count, who took seriously the charges of the plaintiffs, summoned his counsellors and even many who belonged to the clan of the provost, explicitly asking them by what just punishment and strictness this crime should be treated according to justice.

They advised him, according to Galbert, immediately to burn down Borsiard's house, the stronghold which was situated near the home of the family of Straten, and was a dangerous centre of pillaging, bloody fights, and ravaging. 'On that advice the count went out, burned the house, and levelled the residence of Borsiard to the ground'.³⁵ This happened on 28 February 1127.

The comital court was the highest political and judicial assembly in Flanders. The count willing, high personalities of the county, such as peers and castellans, and even princes of the southern satellite counties could be summoned as counsellors. Being the count's vassals, they were obliged to attend and to advise on the judicial and political questions the count presented to them. Unlike the court of the castellany, this court dealt with cases in which knights, and sometimes even the count himself, were involved; it also pronounced on crimes such as the violation of the comital market peace and predatory raids at the cost of merchants and peasants. Probably dating from the government of Count Arnold I of Flanders (918–65), this court was a time-honoured institution, an imitation of the royal Carolingian court. Like the Carolingian courts, it was peripatetic: the meeting place, usually a comital castle, moved with the count's presence. It lacked a fixed calendar of sessions, although it was customary to hold a comital court on holy days such as Christmas, Easter, and Pentecost. Unlike the castellan, who was only the official chairman of the regional court, the count himself pronounced judicial sentences, after having consulted his assessors. As in the burning down of Borsiard's stronghold, he often took part personally in the execution of the sentence.³⁶

³⁴ Galbert, c. 42.

³⁵ Galbert, c. 10.

³⁶ Concerning the comital court, to be seen as an imitation of the Carolingian royal court both in its composition and competence, see François Louis Ganshof, 'Les transformations de l'organisation judiciaire dans le comté de Flandre jusqu'à l'avènement de la maison de Bourgogne', *Revue belge de Philologie et d'Histoire*, 18 (1939), 43–61 (pp. 47–50); idem, 'Die Rechtsprechung des gräflichen Hofgerichtes in Flandern vor der Mitte des 13. Jahrhunderts', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung*, 58 (1938), 163–77.

Galbert, portraying Charles as a just count, ruling his county in 'accordance with the leaders and the wise men', stressed that Charles's verdict and his police action were taken on the advice of his counsellors.³⁷ Obviously for Galbert the model of a good count — or at least one of the models — was that of a prince, who as a *primus inter pares* ruled through consensus with other magnates and wise counsellors. In this case some scepticism concerning their advice is warranted. According to Walter of Théroutanne, Charles, wanting to avoid the idea that he was the only one to take vengeance, urged all his counsellors to advise one by one, but their proposals were divergent. Finally they agreed to let the count judge by himself and to decide on a punishment fitting to the crime.³⁸ But both Walter and Galbert gave a very positive image of Count Charles, 'the hero', who after the inspection of the devastated region was 'deeply moved by the compassion of his innate mercifulness', uttering his sorrow by long and profound sighs, his eyes suffused with tears, finally 'burned, threw down, and demolished from the very bottom' Borsiard's stronghold, 'the seminary and the root of so much evil'.³⁹ The punitive expedition of the count, at least in the eyes of his devotees, was not inspired by wounded pride, but by a desire for justice and peace.

A Concatenation of Meetings, Leading to the Murder on 2 March 1127

From Charles's expedition arose a series of crucial meetings that resulted in the gruesome massacre of Wednesday 2 March 1127: a meeting, on the eve of the murder in the comital house at Bruges, between the count and a few mediators who treated for a conciliation between him and the Erembalds; a meeting, in the house of the provost, between those mediators and some Erembalds, who indignantly refused the peace proposal; a subsequent treacherous conspiracy in the same house; a night-time meeting of some conspirators in the house of a certain knight, to further the practical details of their plans.

Restoring law and order always creates new disorder, and certainly the demolition of Borsiard's stronghold could not be the simple end of the disturbing hostilities between the Erembalds and the clan of Straten. Moreover, now the count had been involved, the vendetta acquired a new bearing and became an active, venomous element in the frightful and growing hostility between the Erembalds and the count. Seen from the point of view of the Erembalds, Charles took the side of the adversary, and his action intensified their bitterness against a count who sought to degrade them. After the burning of Borsiard's stronghold, Galbert wrote

that Borsiard, the provost, and their accomplices felt exceedingly hurt, not only because in this act the count had obviously given his approval and aid to their enemies, but also

³⁷ Galbert, c. 12.

³⁸ Walter, c. 20.

³⁹ Walter, c. 21; Walter calls Charles 'the hero' in c. 22.

because he troubled them, day after day, with their servile status and made every effort to subjugate them as his serfs.⁴⁰

The events do not in any way reveal an elaborated idea of public authority, in which the office was clearly dissociated from the person of the office-bearer. The action of the count and the subsequent attempt to create peaceful relations between him and the Erembalds closely resemble a private war and the traditional way of holding peace talks between the contesting parties.

After his punitive expedition the count went to his home in the castle of Bruges. Some of his close advisers came to warn him: 'The nephews of the provost', so they said according to Galbert, 'were betraying him, using now the burning of the house as a suitable pretext, although anyway, even if the count had not done this, they would betray him'.⁴¹ Then the count had supper, probably with the advisers, and, when he had finished, a few intercessors speaking for the provost and his nephews came to treat for reconciliation. Reconciliation, which often took place without the intervention of a public authority, usually implied material compensation by the guilty party to the injured one. What is more important, it meant the creation of a new alliance between both parties in a solemn and public ritual. Accordingly, reconciliation was more than a peace in the sense of a truce, more than a suspension of hostilities. It meant peace and amity, not a simple return to the *status quo ante*, but an establishment of a new relationship.⁴² And so the intercessors begged Charles 'to turn away his wrath from them [from the provost and his nephews] and to receive them mercifully in his friendship [to consent to a conciliation with them]'.⁴³

Often the reconciliation was prepared by intercessors, important people who enjoyed the confidence of both parties. One intercessor who came to Charles — the only one we know by name — was Guido of Steenvoorde, married to a niece of the provost and 'one of the chief counsellors of the counts of Flanders'.⁴⁴ Galbert and Walter give different versions of the negotiations, but they agree on three points: the behaviour of the intercessors was impertinent, the attempt at conciliation failed, and the failure was not due to the count. Obviously the mission of the intercessors was not seen as non-committal talk; a favourable outcome was expected, if not required.⁴⁵ The intercessors were at least

⁴⁰ Galbert, c. 10.

⁴¹ Galbert, *ibid.*

⁴² Raoul C. van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XIVe eeuw* (Brussels, 1954), pp. 280–92.

⁴³ Galbert, c. 10.

⁴⁴ Galbert, c. 58; Walter, c. 22: 'Tunc, ut fertur, prepositus Guidonem de Stenfordo et alios paucos qui familiares comitis videbantur, sibi ascivit [. . .]'.

⁴⁵ Concerning the intercessors, see Van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen*, pp. 302–03. Concerning the intercessors and their responsibility, see Gerd Althoff, 'Genugtuung (satisfactio): Zur Eigenart gütlicher Konfliktbeilegung im Mittelalter', in *Modernes Mittelalter: Neue Bilder einer populären Epoche*, ed. by Joachim Heinzle (Leipzig, 1994), pp. 247–65 (pp. 250–53).

in part responsible for this outcome, and anyway Charles, according to his followers, could not be blamed for the failure.

The count's proposal, Walter wrote, could not have been more just, 'as it was congruous with the law and the precepts of the Gospel'.⁴⁶ According to Galbert, the count promised that, if the provost and his nephews would quit their fighting and plundering for good, he would treat them justly and mercifully and, moreover, he would rebuild Borsiard's house, even a better house, although that notorious troublemaker could never again have any property near Thancmar. What a good, just, and magnanimous count! The intercessors by contrast did not know how to behave. They came, as Walter reported, to the count rather with an accusation than with a proposal of peace. They exhorted the count to control the unreasonably roused passions of his wrath against the unjustly punished Borsiard, and to restrain the passions of his hate and anger against the whole family of that young man! The louts, crowning their effrontery, demanded a satisfaction from the count for those whom he had deeply offended.⁴⁷ Galbert, on the contrary, tells us that the intercessors, some of whom knew of the treachery, did not push the count very hard about those to be reconciled, but Galbert too speaks of their impertinence, albeit impertinence of another kind. They asked the count, when his servants were about to fetch drinks, to send for the best wine. When they had drunk this, they behaved like drunkards, asking repeatedly for another drink. Finally the count bid them farewell, a 'last and ultimate farewell', and they left as if they went to bed.⁴⁸

They did not feel like sleeping. Without delay they went to the provost's house and made known the count's answer to the Erembalds who were present and to their accomplices, asserting, according to Galbert, that they had not been able to obtain any grace from the count who would treat them according to the just and severe sentence of the leading men of the land.⁴⁹ That was not the message of a ruler who was not only just, but merciful too. It was not a precise record of what the count said, at least if Galbert's account is to be believed. Did Galbert want to discredit the intercessors as unreliable characters? Convinced that the demolition of Borsiard's house was merely a suitable excuse, and not the real motive of the treason, was he perhaps not very concerned with the exact terms of the count's proposal? What about the peasants and the restitution of their stolen goods? What did the promise to treat the involved Erembalds 'justly and mercifully' mean? Taking down young Borsiard and, by building a new house, burdening him with a venomous duty of humble gratitude? Did Galbert forget or suppress a few disquieting details? Walter gives us some supplementary, perhaps reliable,

⁴⁶ *Walter*, c. 23: '[. . .] quamvis hac comitis allegatione nichil justius dici valeret, utpote que et legis et evangelii mandates congrueret [. . .]'.

⁴⁷ *Walter*, c. 22.

⁴⁸ *Galbert*, c. 10: '[. . .] rogabant semel sibi propinare et abundanter adhuc, et posteriore licentia et ultima a consule accepta, quasi dormitum abirent'. Here *licentia* is the equivalent of the old Dutch *oorlof*, which means 'permission', but also 'farewell' (or 'permission to leave').

⁴⁹ *Galbert*, c. 11.

information: to qualify for mercy, Borsiard had to restore the seized goods and recognize the status of his family. Moreover, Walter explicitly says that the messengers acted deceitfully: they gave the words of the count a false twist, saying to the already frenzied Erembalds that they could never obtain any mercy from the count, unless they all should declare publicly that they were his serfs. This did not appreciably mollify their temper.⁵⁰

That Borsiard's recognition of his servile status was indeed a condition for reconciliation seems plausible. Reconciliation implied a public ritual of humble submission by the guilty to the injured party. Although such a ritual was meant to create a new friendly alliance, it could, and with Borsiard probably it should, end in a protracted stigma, tarnishing the family of the humiliated party. Casting a public stigma of serfdom on Borsiard would have suited the count very well if he wanted to cut him down to size, or if he were looking for the debasement of several Erembalds, or even of the whole Erembald clan.⁵¹ Maybe the Erembalds, or at least some of them, had already been plotting the death of the count; after the message of the intercessors, rapidly their plans began to cohere, and they rushed to a decision.⁵²

The 'provost and his nephews' withdrew into a room, apparently in the house of the provost, and summoned those of their choice. The provost guarding the door, 'they joined their right hands to betray the count'. Giving each other the right hand — for sure not the sinister left hand — was a performative gesture, an efficacious sign by which solidarity and mutual duties were expressed and created. Trying to explain away the guilt of one of the Erembalds, Robert the Boy, Galbert tells us that he gave his right hand to the others, and that by this action, even if he did not know — as gullible souls may believe — what he was supposed to do with them, he became involved in the iniquitous pact.⁵³

The pact having been concluded, all went home. But in the silence of the night some of them came secretly together under the leadership of Isaac, in the lodgings of a knight by the name of Walter. They put out the fire in the house and, concealed by darkness, they decided to execute the treacherous murder when dawn came. To fulfil the bloody task they selected knights and servants from among Borsiard's personnel, 'the most fanatic ones who boldly lent themselves for this evil deed' and who, besides, were not

⁵⁰ *Walter*, c. 23: 'Auxit quoque furorem dementium et dementiam furentium, quod prefati legati non sinceriter egerunt, sed verba comitis depravantes et superbos iuvenum animos deterius exacerbantes, dixerunt quod numquam misericordiam comite consequerentur, nisi se eius servos esse omnes profiterentur'.

⁵¹ Concerning the ritual of submission, see Van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen*, pp. 284–90; Althoff, 'Genugtuung (satisfactio)', pp. 252–53. For the social stigma of this ritual, see Gerd Althoff, *Spielregeln der Politik im Mittelalter* (Darmstadt, 1997), p. 16. A. Demyttenaere, 'The Tears of Fromold: The Murder of Charles the Good, Homo-eroticism and the Ruin of the Erembalds' (forthcoming) discusses Charles's selective persecution of the Erembalds.

⁵² *Galbert*, c. 11.

⁵³ *Galbert*, c. 11.

averse to the promised rich rewards. Borsiard and his henchmen, exhorted and instructed by Isaac, carried out their plans and slew the count in the very dark and smoggy morning of Wednesday 2 March, in the year of our grace, 1127.⁵⁴

Feverish Meeting Activity During March 1127, and the Problem of Succession

The shocking news of the murder spread with amazing rapidity. On the very day of the murder, at noon, it reached Ypres, where the annual fair was taking place, and people from everywhere, even from northern Italy, were conducting their business. The startled merchants 'packed up their merchandise and fled day and night, bearing with them the news of infamy in our land, and they spread it everywhere'.⁵⁵ Two days later, on Friday, the news was known in London, and on the evening of that same day it caused sensation in Laon.⁵⁶ The murder was more than just a scandal. It was a political fact troubling the whole land and stirring, almost immediately, political forces within Flanders and beyond. The citizens and knights were of course not the only ones to be concerned about the appointment of a new count. The Flemish nobility and even the princes of the neighbouring principalities and kingdoms were highly interested in the succession. The race for the Flemish throne, a major theme in Galbert's narrative, began.

Five days after the murder, on Monday 7 March, the noble Gervaise of Praet made a significant intervention. Outside Bruges he attacked some henchmen of the murderers. The following day he besieged the town, and on Wednesday 9 March he was admitted into the town and began, with the aid of the citizens, to besiege the murderers and their henchmen in the castle.⁵⁷ On the following days, 10 and 11 March, peers and other noble warlords came, like insects attracted by a shining light, to Bruges, 'each of them with his whole armed following to avenge the death of his count and lord'. On 12 March they were admitted into the town, after a meeting with the citizens and those who had until then been leading the siege. All had to pledge on oath to respect the place, the citizens, and their properties, to fight the traitors without mercy, and to act according to the *common* judgement of the leaders for the honour of the realm and the welfare of the

⁵⁴ Galbert, cc. 11, 12.

⁵⁵ Galbert, c. 16.

⁵⁶ Galbert, c. 12. Galbert was astonished by the rapid spreading of the news, 'because no one could transit so quickly by horse or by ship these intervals of time and space'. As the road from Laon to Ypres (via Lille and Cambrai) is some 160 kilometres, the news could reach Laon by horse at a speed of three kilometres per hour (from Wednesday at noon to Friday at six o'clock? in the evening). Starting from Bruges on Wednesday in the morning, the news could reach London by ship on Friday in the morning, as a ship could sail (if the winds were favourable) 100 to 150 kilometres a day. (See Marc Bloch, *La Société féodale*, 5th edn (Paris, 1968), p. 100; *The Murder of Charles the Good*, trans. by Ross, pp. 113–14, n. 10).

⁵⁷ Galbert, cc. 26–28.

citizens.⁵⁸ On 16 March, Petronilla, the countess of Holland, arrived at the siege, 'with her son and accompanied by a big crowd. She was hoping that all the leaders of the siege would elect her son as count, since this had been suggested to her by our citizens and several leaders'. She came to realize her plans, and 'tried hard, by donating and promising much, to secure the friendship of all the most prominent men'.⁵⁹

Apparently Petronilla did not waste time. She had prepared the meeting through contacts that were doubtless, in those dangerous and frightening days, made by secret agents. Clandestine negotiations and the use of secret agents were not unfamiliar means to achieve political aims. Count Robert I the Frisian (1029/32–93) — Charles's grandfather and the second husband of Gertrude, widow of the Count of Holland, Florent I († 1061), and great-grandmother of Petronilla's son — was reputed for it. In his treacherous attempt to seize Flanders from his young nephew Arnold, Robert

got clandestinely and deceitfully in touch with the leaders and the prominent men of the region near the sea [...] By money and promises he bound them to him to secure with their aid the countship in the fatherland.⁶⁰

Galbert mentioned a cleric, belonging to the personnel of Robert the Frisian, who became notorious as a go-between in the treachery. 'Once', Galbert said,

again surreptitiously carrying orders of his lord to the leaders, he played a blind man. Following his guide with hands outstretched, he went tapping with his stick; and so, blind in heart and eyes, he carried out the treacherous transmission of death and blindness.⁶¹

The days after Charles's murder were filled with anxious tension, hesitations, negotiations, and an increased activity of gossips, informants, undercover agents, and couriers, not to mention plunderers and highwaymen. The provost, the castellan of Bruges, and 'their execrable nephews' often discussed the dramatic situation in meetings to which the citizens had access, while also holding private meetings in which they secretly deliberated and came to decisions.⁶² William of Ypres (before 1104–64), a bastard of the comital house, who claimed the county, began to subdue large parts of southern Flanders. According to Walter of Théroutanne, he forced the inhabitants of towns such as Aire, Kassel, Ypres, and Bergues, to swear fidelity to him. He rapidly restrained the activity of the robbers and imposed peace upon the territory that had fallen

⁵⁸ Galbert, c. 31.

⁵⁹ Galbert, c. 34: 'Habeat quippe magnas gratias eis comitissa et laborabat omnium procerum animos convertere in amicitiam sui dando et promittendo multa'.

⁶⁰ Galbert, c. 69.

⁶¹ Ibid.: '[...] sicque peregit corde et oculis cecus traditionem mortis et cecitatis'. *Traditio* here means both 'treason' and 'transmission' (in the sense of 'tradition').

⁶² Galbert, c. 25: 'Adhuc [i.e. still on 6 March] suburbani nostri loci aperte introierunt ad consilia dominorum illorum, praepositi scilicet et castellani et nepotum suorum nefandorum, et secreta consiliorum ipsorum perquirebant [...]'.

into his hands. 'The other barons of the land held a conference, on divine inspiration they agreed on peace, and everyone set himself to the defence of his own territory'.⁶³

According to Galbert, William of Ypres was reputedly the candidate of the Erembalds and was in touch with the traitors in Bruges. Through 'daily letters sent back and forth, they were making clear to each other their mutual desires and secret plans'.⁶⁴ So on 6 March a messenger arrived at Bruges on behalf of William of Ypres. To public applause, he loudly read the salutation of William's message, after which he was led into the hall of the provost's house to reveal what could not bear the light of the day. The messenger returned and then — if we are to believe Galbert — William, incited by the provost and his henchmen, seized the merchants of Flanders in the market at Ypres, no matter where they came from. He forced them to swear faith and loyalty and to do homage to him. Meanwhile, the provost urged his friends in the region of Veurne to take the part of William and to become his loyal vassals.⁶⁵

On 16 March, the very day of Petronilla's arrival, false rumours were spread 'to frustrate what the leaders of the siege had agreed about receiving the countess's son as count'. Two knights, 'pretending that they had come from William of Ypres', announced to the leaders that the King of France had given the countship to that William.⁶⁶ Who was intriguing behind these lying knights? William of Ypres himself? The Erembalds? Or maybe the King of England, Henry I (1068–1135)? Already on 24 March Galbert had heard a rumour about substantial financial and military aid from Henry to support the claim of William.⁶⁷ Anyway, all who had promised the countess to elect her son became uneasy, and the leaders were outraged. 'They swore together and pledged themselves on their faith that never, as long as he should remain the Count of Flanders, they would fight in his service'.⁶⁸

Meetings with the King of France

The oath of the noble warlords, who had sworn against the succession of William of Ypres, implied the collective refusal of a supposedly unilateral comital appointment by

⁶³ *Walter*, c. 43: 'Ceteri quoque barones terre invicem collocuti, Deo inspirante, paci consenserunt, et singuli partes suas defensare studuerunt'.

⁶⁴ *Galbert*, c. 49.

⁶⁵ *Galbert*, cc. 20, 25.

⁶⁶ *Galbert*, c. 34: '[...] denuntiantes principibus obsidionis regem Franciae dedisse comitatum ipsi Willelmo Iprensi [...] Astute ergo hujusmodi mendacium et simulate [...] pro veritate annuntiaverant ut [...] different concessionem principum obsidionis de suscipiendo filio praedictae comitissae in comitem'.

⁶⁷ *Galbert*, c. 49.

⁶⁸ *Galbert*, c. 34: 'Conjurabant ergo et fide sese taxabant nunquam sub illo comite Flandriae manente sese militaturos'.

the King of France. That the king alone, at his own discretion, should dispose of the countship was not accepted. Nevertheless, he could intervene in the matter. The Flemish throne was left without a definite heir and Charles did not, as did his predecessor,⁶⁹ arrange the succession according to the twofold principle of 'designation', a compelling recommendation by the ruler, and 'election', a selection of the favourite by the prominent lords of the land. Apparently, the King of France did have the right to designate the successor of the count, his liege vassal, and in the interim could, temporarily obtain the duties and rights of the deceased and regard Charles's vassals as his own.⁷⁰ For Louis VI, the ambitious and greedy king, the situation meant marvellous opportunities to interfere in Flemish politics and to grasp more power and resources.

Some ten days after the murder, Louis arrived with a few men at the cathedral city of Arras, in the extreme south of Flanders. He did not dare to march northwards because of the troublesome situation, but he was able to receive some claimants or their messengers, think about a new count to suit his plans, and gather information about the course of events and the siege at Bruges.⁷¹ On 20 March 'the leaders and the barons' (*principes et barones*) received a royal summons. The king expressed his anxiety about the disturbances in Flanders. He claimed, probably at the suggestion of his informants, that there were conspiracies in favour of William of Ypres, but that almost all cities had sworn that they would under no circumstances accept him, because he was a bastard. This opinion did not agree with all the facts, but the king knew the mood at Bruges. He made it clear that he was no supporter of William. With respect for the prominent lords, he ordered them to come without delay to Arras to elect as count by common agreement 'someone who seems suitable to you and whom you will agree to accept as ruler over the land and his inhabitants'.⁷²

At the very moment when the written order of the king had been read, and before they had even replied whether they were coming or not, a messenger came with another letter. It was from Thierry of Alsace, a relative of the comital house, putting himself forward as a legitimate candidate for the countship. Obviously, Thierry had his own informants. The leaders, and everyone who heard the letter, brushed aside his claim, asserting that the letter was forged. They 'did not even take the trouble to reply because the state of public affairs was in danger, and nearby the king stressed the urgency of a meeting'.⁷³ They went to Arras on 21 and 22 March and, in the presence of the king's barons — the

⁶⁹ Galbert, c. 1.

⁷⁰ François Louis Ganshof, 'Le roi de France en Flandre en 1127 et 1128', *Revue Historique de Droit Français et Etranger*, 4th series, 27 (1949), 204–28 (p. 206); idem, *Feudalism*, 3rd edn (New York, 1964), pp. 97–98.

⁷¹ Galbert, cc. 47, 52; Walter, c. 44; *Herimanni liber de Restauratione S. Martini Tornacensis*, ed. by Georg Waitz, in *Supplementa tomorum I–XII, pars III: Supplementum tomi XIII*, MGH SS, 14 (Hannover, 1883), c. 35.

⁷² Galbert, c. 47.

⁷³ Galbert, c. 47.

royal court now being joined with the comital court — recognized his candidate and did homage to him.⁷⁴ That candidate was William Clito of Normandy, nephew of Henry I, who belonged to the Flemish dynasty through his grandmother Mathilda, and was husband of Joanna, the sister of the king's wife, Adelaidis.

To go from designation to election was no empty formality. Negotiations were needed. According to Walter, the queen played an important part in the deliberations and ingeniously disposed the heart of some prominent men in favour of her brother-in-law.⁷⁵ In what language were the deliberations conducted? Did all the barons know French? If not, translations in Dutch were necessary. The peers of Flanders did not accept the king's candidate for nothing. The court proscribed the traitors, which implied their death and the confiscation of their goods. William Clito offered these goods to the peers, while the king promised on oath that without their consent he should pardon none of the condemned.⁷⁶ The famous propagandist of the royal power, Suger, abbot of Saint-Denis (1081–1151), merely tells us that the king made William of Normandy Count of Flanders.⁷⁷ Things were not that simple. The king had to act with caution and to show some consideration for the political powers in Flanders, such as the peers and, as soon will become clear, the urban communities.

A Mass Meeting at Bruges on 30 March 1127

On 30 March, the Wednesday before Easter, the peers, returning from Arras, arrived at Bruges. They brought a written order from King Louis, 'emperor of France', and were

⁷⁴ The royal order was sent to the 'principes et barones' (Galbert, c. 47). According to Warlop, *The Flemish Nobility*, I.1, 39, Galbert wanted to point out that peers and barons were different categories, a peer (*princeps*) being of a higher rank than a baron (*baro*). It appears from Galbert's work (and from Warlop's exposition), that the distinction between *princeps* and *baro* was not always clearly made. Indeed, the 'principes' went to Arras (Galbert, c. 47) to elect a count 'secundum consilium regis Ludovici Franciae [. . .], atque omnium baronum ipsius et terrae nostrae electionem' (Galbert, c. 52). When the 'principes nostri' returned from Arras, Walter the Butler — undoubtedly a peer (Galbert, c. 89) — spoke to the citizens of the 'principes Franciae' and the 'primi terrae Flandriarum' who elected a new count. Walter, referring to the persons who had taken part in the election, speaks of himself, some lords whom he named — all of them peers as Warlop pointed out (*The Flemish Nobility*, I.1, 140) — and of the 'ceteri barones' (Galbert, 52). It seems that while all peers were called barons, that did not imply that all barons were called peers.

⁷⁵ Walter, c. 44. Herman of Tournai (*Herimanni liber de Restauratione S. Martini Tornacensis*, c. 35) said that at that time many were convinced that the county should be given to Baldwin IV of Hainaut — a serious claimant who was received at Arras by King Louis — when suddenly the rumour went that the king, 'nescio cujus venti flatu impellente', had given the county to the young William. No doubt a gust of wind came from Adelaidis.

⁷⁶ Galbert, c. 52.

⁷⁷ *Vita Ludovici Grossi*, c. 30: 'Comitem Flandrie Gulielmum Normannum [. . .] constituit [. . .]'.

happy and glad with the report they could offer the citizens.⁷⁸ A mass meeting was held on the Sand to hear the order which was to be presented by a peer, Walter the butler. The inhabitants of Bruges made up most of the audience, but other folk were present too, among them undoubtedly some men of Ghent who, on 16 March had entered the town with a great crowd, filling the area around the castle, to help in the siege or, as many thought, to steal and plunder.⁷⁹

Galbert probably read the literal text of the royal order and used it, with omissions and amplifications, in his narrative.⁸⁰ The protocol of the order, as it was rendered by Galbert, ran as follows:

Louis, king of France, to all the good sons of the realm, salute and blessing, and the invincible support of his presence united with his royal might through the power of God and the force of his troops.⁸¹

The king, expressing his concern for the imminent ruin of the fatherland and asserting that he came to carry out vengeance with unrelenting severity, continued:

In order that the land, through his count recently chosen by us, henceforth may return to peace and restore, obey and carry out whatever you hear in the following text of this letter.⁸²

The order of the king was made public on the Sand, but apparently neither the Latin text of the document nor a translation was pronounced. Galbert says that

Walter the butler produced the sealed letter of the king in the presence of all our citizens who had flocked together into the aforementioned field to hear the king's mandate. And then, confirming his testimony by [showing] the letter, he made his voice heard: 'Listen, you citizens of ours, what was considered, negotiated and prudently judged in the presence of the king and his barons. The leaders of France and the leading men of the land of Flanders have, on the king's order and advice, chosen for you and for this land the young William [. . .]'⁸³

He ordered the citizens to accept, as the peers of Flanders did, the king's candidate:

⁷⁸ *Galbert*, c. 52: '[. . .] secundum consilium regis Ludovici, Franciae imperatoris [. . .]'.

⁷⁹ *Galbert*, c. 33.

⁸⁰ François Louis Ganshof, 'Trois mandements perdus du Roi de France Louis VI intéressant la France', *Annales de la Société de l'Émulation de Bruges*, 87 (1950), 117–33 (pp. 126–30).

⁸¹ *Galbert*, c. 52.

⁸² *Ibid.*

⁸³ *Galbert*, c. 52: 'Igitur Walter butelgir litteras protulit regis signatas coram universis civibus nostris qui confluerant simul in agrum praedictum ad auscultandum Regis mandatum. Atque viva voce testimonium litteris confirmans ait: 'Audite, o cives nostri, quid consilii et negotii apud regem et ejus barones actum sit et prudenti examinatum iudicio. Principes Franciae et primi terrae Flandriarum, jussu et consilio regio, elegerunt vobis et terrae hujus consulem Willelmum puerum [. . .]'.

[. . .] People of the town as well as others who are present here, this is my order, wish and sincere advice: receive as your lord and count, William, recently elected as count and invested with the county by the king.⁸⁴

Just as the king 'commanded' the peers, so Walter the butler 'commanded' the citizens, not without offering them as bait — on behalf of the king and the new count — the prospect of privileges. He asserted that William was a most accommodating man, who respected the customs of the land and who, from his infancy, had grown up in Flanders to become a boy and, subsequently, a strong young man. However, the citizens' obedience to the king was not a foregone conclusion, despite the alluring prospects, the solemnity of the occasion, the rhetorical language, the sealed letter of 'the emperor of France', the speech of Walter, the presence of the very prominent lords, and their election of William.

When the citizens 'had heard the letter and the voice of its bearer', the voice of the people was heard, and there was much palaver. The citizens 'procrastinated to answer concerning the acceptance and the election of the new count', because first they had to send for the men of the region within the castellany of Bruges, with whom they had sworn an oath.⁸⁵ Jointly they ought to give their approval or reject 'the letter with the royal order'. The discussion lasted for hours, but unfortunately Galbert is very laconic in his description. He does not tell us who discussed what, or with whom, or if and how the discussions were organized. We do not even catch a glimpse of the relations between the urban elite and the rest of the townspeople. The whole day was taken by 'protracted long discourses'; finally the citizens left 'the orators' place' — apparently an ironic Galbert was not delighted by so much tedious and ineffective talking — without inviting their confederates in the region.

Some Inter-Urban Meetings and the Deeds of the Urban Elites

What was the main issue? Was the question whether the citizens should act alone or with their confederates? The latter were invited throughout the night, and on the following day, 31 March, Maundy Thursday, the citizens, now probably in reduced numbers, and the men of the region came together.⁸⁶ On Holy Saturday, so they agreed, they would send twenty knights and twelve of 'the oldest and wisest' citizens at the stronghold of Raveschoot. This stronghold probably stood near Eeklo, half way between Bruges and Ghent. There, they were to meet the king's messengers for a conference with some men of Ghent. 'For', wrote Galbert,

⁸⁴ Ibid.

⁸⁵ Galbert, c. 52: 'Auditis ergo litteris et voce litterarum latoris, cives procrastinaverunt responsum de electione consulis [. . .]'.
⁸⁶ Galbert, cc. 52, 53.

the burghers of the cities and towns of Flanders were joined to each other in loyalty and friendship so that they would neither accept nor reject anything concerning the election, except in common. In this matter our citizens did not take any action without the men of Ghent who had assisted them, being on their side as their nearest neighbours.⁸⁷

The arrangement had required consultation with the men of Ghent — there were many of them at Bruges — and with royal messengers, who perhaps had come from Arras with the peers. Accordingly a meeting was indeed held at Raveschoot on Holy Saturday, 2 April. The men of Ghent and some of Bruges agreed to accept the new count.⁸⁸ That same day, after the meeting, some of these men went to Deinze, some fifteen kilometres south-west of Ghent. At Deinze the king, en route to Ghent with the new count, waited for the men of Ghent, with whom he apparently had an appointment. In the presence of the king the delegates 'elected William as count for themselves (*sibi*) and for the fatherland, doing homage and pledging faith and loyalty to him'.⁸⁹ The following day, Easter Sunday, the clergy and people at Bruges were excited by the news that the king soon was to visit the town.⁹⁰ The advent of the king, which was to take place in the evening of 5 April, Tuesday, had to be prepared. An intense and rapid circulation of messages was needed to make the appointments for all these meetings: there was much work for the couriers, whose activities remain, to our regret, largely hidden from view.

What about the agreement of the 'burghers of the cities and the towns of Flanders'? If there was a common agreement, it was not observed. On the very day the men from Bruges and Ghent met each other at Raveschoot and decided to accept the new count, homage was already being done to him in Arras and Lille.⁹¹ But then, how could such a common agreement have been effected? By a general assembly of delegates from different towns? The 'oldest and wisest men' from Bruges, accompanied by the twenty knights from the surrounding region, met with a delegation of the citizens of Ghent, undoubtedly also some of the 'oldest and wisest'. The following year, on Tuesday 12 June, the men of Ypres, which was then in the hands of Count William Clito, secretly sent a letter to the rebellious men of Bruges. They invited them 'to assemble privately in a safe place with some of our and some of their wisest men and to treat in a beneficial way the honour of the county'.⁹² We do not know if the assembly took place, but we see

⁸⁷ Galbert, c. 53: 'Namque ex civitatibus Flandriae et castris burgenses stabant in eadem securitate et amicitia ad invicem ut nihil in electione nisi communiter ceconsentirent. Qua in re burgenses nostri non nisi Gendensium consilio agebant, qui a latere sibi vicinius assederant'.

⁸⁸ Ibid.

⁸⁹ Ibid.: 'Rex [. . .] descendit in villa nomine Dunsia in itinere quo iturus erat Gandavum. In eadem vero villa expectabat rex Gendenses, qui reciperent novum comitem [. . .]'; c. 54: 'Quarto nonas Aprilis [. . .] quidam cives nostri et Gendenses qui a colloquio reversi sunt, elegerunt Willelmum in comitem sibi et patriae, hominia, fidem et securitatem facientes comiti [. . .]'.

⁹⁰ Galbert, c. 53.

⁹¹ Galbert, c. 53.

⁹² Galbert, c. 113.

at least an attempt to hold another inter-urban assembly, although not a general one of all the 'burghers of cities and towns in Flanders'. From Galbert's narrative it is unclear if this assembly was indeed held. Although there were some tendencies towards concerted action, and although there were some initiatives to hold general assemblies with representatives of the towns, apparently these initiatives did not succeed.

A general inter-urban agreement for action might not have been wholly impossible. With the help of messengers such an agreement could have been effected, especially if its terms, and the conditions for mutual support, had been expressed vaguely. Without a tradition of assemblies at which delegates from various urban communities weighed and discussed their various interests, however, it was very difficult to agree on even a moderately detailed plan for joint action. To observe such an agreement would have been much more difficult still, if not impossible, especially in troubled times: dangers have to be defied, continuing mutual consultation is needed, and therefore the frequent covering of the distance between the towns, to coordinate the various and changing interests of different urban communities. A common agreement, had there been one, could hardly have been observed. There was no institution of a general urban assembly, an inter-urban court at which delegates from the different towns deliberated on issues concerning the public interest and made commonly accepted decisions.

Here we touch upon another problem: how representative were the 'oldest and wisest' citizens? On Holy Saturday, the prominent men of Ghent and Bruges had agreed to accept William Clito as count for all the land, and that same day at Deinze they elected him as count *for themselves* and for the fatherland: their homage established a personal bond with William, but they did not elect him in the name of all the land. Apparently they were not even empowered to elect him in the name of their own urban communities. William had to go on tour through Flanders, visiting town after town, to be accepted as count, and to secure the loyalty of his new subjects. What happened at Deinze was only the first, not the definitive, stage in the communal acceptance of William. The preparations at Bruges during and after Easter Sunday not only concerned the solemnities on the occasion of the king's advent, but also the mood of clergy and people, and the conditions on which William could be accepted as count. Only after William and the king granted the citizens, on oath, a package of substantial privileges did they elect and accept William as their count. They 'swore fidelity to the count' and 'did homage and pledged loyalty to him'.⁹³ Not all citizens did homage in person to the count, one after another; probably only some or all of the honourable men — those who on 27 March, with the mighty men of the region, swore on the Sand — acted in the name of all.

Galbert is not always explicit on the social characterization and the actions of the 'honourables' (called by him *meliores*, *sapientiores*, *prudenteriores*, or *discreti*). In his narrative they often appear as the men who played a predominant and representative role among the townspeople. They acted as the leading men within the urban communities and in the agreements between these communities. On 15 March, a Tuesday, the men of Ghent — citizens and rapacious rabble from the villages round about — appeared in

⁹³ Galbert, c. 55.

large numbers, on horse and on foot, at the gates of Bruges, with thirty wagons loaded with arms. They entered by force, alarming the besieged, who rushed in their direction and resisted them face to face. Only the behaviour of the 'wisest men' from both sides prevented a general struggle. They gave each other the right hand, thus creating a mutual bond. Those of Ghent pledged on oath not to act on their own but with the men of Bruges, and to respect the town of Bruges and the property of its inhabitants.⁹⁴ A few days earlier, on 12 March, a similar oath had been demanded from the warlords before they were admitted to the town.⁹⁵ On 19 March, a huge commotion broke out within the town. With drawn swords the men of Ghent and Bruges attacked each other; again the wiser men could calm their flaring passions.⁹⁶

The role of these wise men must have been based on their reputation, supported by wealth, mutual support, family connections, generosity, or bribery, and of course on some wise or cunning stratagems. Thus, in the night of 8 March, a select meeting of prominent men, some of 'the wisest men of the place' decided to admit Gervaise of Praet and his army into the town. Secretly they entered into a sworn alliance with Gervaise. Their decision and action were concealed from most citizens, and probably also to the other 'wisest men'. And yet, in the view of Galbert the agreement was 'advantageous for everyone'.⁹⁷ The following day, when Gervaise had entered the town and was charging the traitors, most citizens were still unaware of anything. But from the moment they learned about 'the pact of Gervaise with them, and his faith and oath', 'for the first time' they 'all together', at the side of Gervaise, sallied in pursuit of the traitors.⁹⁸ Clearly a small elite of citizens, without any previous consultation and surprising almost the whole urban community by accomplished facts, *de facto* represented the townspeople and swore alliance in the name of all.

The King at Bruges and the Radiating Power of Feudalism

The king and his creature arrived at Bruges on 5 April, at twilight, and they were joyfully welcomed by the canons of St. Donatian, striding forth in a solemn procession.⁹⁹ The following day the citizens and many men of the region, the king and William Clito, their knights and those of Bruges (probably knights of the castle), assembled on the Sand. Reliquaries and relics were collected there, visualizing the presence of the saints

⁹⁴ Galbert, c. 33.

⁹⁵ See above.

⁹⁶ Galbert, c. 43.

⁹⁷ Galbert, c. 27: 'Hoc totum latebat traditores illos et plurimos civium nostrorum prorsus, praeter paucos sapientiores loci qui seorsum et nocte composuerunt hujusmodi consilium salubre universis'.

⁹⁸ Galbert, c. 28.

⁹⁹ Galbert, c. 55.

who ought to participate, on their own terms, in the solemn meeting to come. Silence was ordered. Two charters, revealing previous negotiations, were read out. First, a charter with privileges for the canons of St. Donatian: the king was exhorted to honour these privileges 'by the prerogative of his royal dignity' and to confirm them 'by his imperial power'. Then 'a little charter of agreement' between the count and the citizens was read: a liberty concerning the comital taxes on trade and the ground rent on the houses at Bruges which ought to be granted to the citizens 'as the price for their election and acceptance of the person of the new count'. The citizens demanded an oath of both king and count that they, in person and through their officers, should always respect that liberty and the privileges of the canons. They consented and, in the hearing of clergy and people, took an oath on the relics of the saints. Finally the citizens did homage to William.¹⁰⁰

The count's programme for that day was not completed. To win the sympathy of the citizens, he granted them another privilege. 'At their own authority and discretion from day to day they could adjust and improve their customary laws according to the circumstances of time and place'.¹⁰¹ Everything was confirmed by sacred oaths, and the king and the count returned to their quarters to meet the prominent men of Aardenburg who had come to Bruges for the confirmation of their own privileges. Then, 'throughout all the rest of that day' the vassals invested by Charles with a fief did homage to William, receiving from him again 'their fiefs and offices and everything they formerly had held rightfully and lawfully'.¹⁰² The performance of homage by the former vassals of Count Charles was not done in a flash: it was a time-consuming business which continued at least for the next two days, Thursday and Friday, 7 and 8 April.¹⁰³

A ritual scheme, an 'order', is rendered by Galbert in a passage which, perhaps to the point of being tedious, is quoted in almost every work on feudalism and in many manuals on medieval history.¹⁰⁴ According to this scheme three closely interconnected ritual parts are constitutive of homage: an act of homage, consummated by a promise of fealty, which in turn is to be confirmed by an oath.¹⁰⁵ In the first part of this order the bond between the candidate vassal and the new count was virtually achieved:

¹⁰⁰ Galbert, c. 55.

¹⁰¹ Galbert, c. 55.

¹⁰² Galbert, c. 55.

¹⁰³ Galbert, c. 56.

¹⁰⁴ Galbert, c. 56. For the use of the passage made by historians, see Dirk Heirbaut, 'Galbert van Brugge: Een bron voor de Vlaamse feodaliteit in de XIIe eeuw', *Tijdschrift voor Rechtsgeschiedenis*, 60 (1992), 49–62 (p. 54).

¹⁰⁵ Galbert, c. 56: 'Septimo idus Aprilis, feria quinta, iterum hominia facta sunt comiti quae hoc ordine suae fidei et securitatis tantummodo consummata sunt' ('On 7 April, Thursday, again homages were done to the count which only were consummated according to the following rite of the related faith and loyalty'). Galbert reflected the order used at Bruges at that moment for the liege vassals receiving a fief; we may assume that other *ordines* were available for other places, other moments, and other circumstances.

The count asked the future vassal whether he wanted to become entirely his man. The latter replied: 'I so wish', he folded his hands, which were enclosed by those of the count, and they were allied to each other by a kiss.

This part — containing four elements, a question by the count, a declaration of intention by the candidate, a complex gesture by the candidate vassal of giving his folded hands to the lord and of the latter's taking them into his own hands, and a kiss — required a consummation by the promise of fealty (*fides*) and loyalty (*securitas*). 'Loyalty' here presumably refers to the same fealty in its negative aspect of abstaining from deceitful and hostile actions. The vassal made his promise to a 'spokesman' representing the count: 'I promise on my faith to be henceforth faithful to Count William, and keep the homage I have sworn entirely against anybody, in good faith and without any deception'. Probably it was this spokesman who, in the name of the count, had addressed himself to the candidate vassal. The promise was not complete without a confirmation involving heaven, and a sacred oath on the relics of the saints. When the homage was consummated, the count, with a wand held in his hand, conferred upon 'all those who had promised loyalty and done homage and had taken the oath' the investiture of the fiefs (properties, offices, interests) they formerly held from Charles.¹⁰⁶

Why was there a 'spokesman' at the ceremony? The spokesman or 'prolocutor' (Dutch: *taelman*) was an expert on valid forms. In Flanders, the prolocutor pronounced the appropriate formulae at the appropriate moments in court, in the name of one party or even both parties. It may be supposed that the spokesman helped to ensure requirements of form by the words he pronounced and the gestures he made in the name of the count. Maybe he also kept an eye on the procedure, including the words and gestures proffered by the vassals, to guarantee the validity of the agreements. It is doubtful whether the prolocutor was an interpreter, and that his role had anything to do with the count's presumed ignorance of the Dutch tongue. Count Baldwin VII (1111–19), the predecessor of Count Charles, had received William as a boy of ten years and knighted him at fourteen.¹⁰⁷ Why should William, who for years on end had been educated at the Dutch-speaking court of the Flemish counts, be ignorant of Dutch?

The principle of reciprocity was inserted into the submission of the vassal to his lord. As a free man, capable to pronounce 'I so wish', the vassal participated in the creation of his own submission and its related obligations and rights. For his part, the count explicitly asked the candidate whether he wanted to become his man, in this way manifesting respect for his autonomy. Moreover, by receiving somebody as his man the

¹⁰⁶ Galbert, c. 56.

¹⁰⁷ On the prolocutor at the court, see Raoul C. van Caenegem, *Geschiedenis van het strafprocesrecht in Vlaanderen van de XIe tot de XIVe eeuw*, Verhandlingen van de Koninklijke Vlaamse Academie van Wetenschappen, Letteren en Schone Kunsten van België, Klasse der Letteren, 24 (Brussels, 1956), pp. 280–82. Concerning the prolocutor as an 'interpreter' or as a 'translator', see Warlop, *The Flemish Nobility*, I.1, 75; Ganshof, *Feudalism*, p. 71, n. 2. For the education of William at the court of the Flemish count: *Herimanni liber de Restauratione S. Martini Tornacensis*, c. 25; Galbert, c. 51. I thank Raoul van Caenegem for having inspired this interpretation.

count created obligations which often were materialized by the granting of fiefs. The bond between vassal and lord, combining dependence and autonomy, subordination and reciprocity, created obligations which were simultaneously juridical, moral, and religious. They were moral, and not only juridical, in the sense that the bond was based on mutual respect for the persons involved, for their life and their honour; they were not based exclusively on respect for their offices or functions. The lord was not automatically substituted by another lord, nor the vassal automatically by another vassal. When a party died, the personal bond expired, and with it the resulting obligations and rights unless a new association with a successor was created. As the freely made promise of faith and loyalty was sanctioned by sacred oaths, an arbitrary breach of fealty or a refusal to fulfil one's obligations was seen as an act of perjury, and unlawful, immoral, and irreligious to boot. The bond could, however, rightfully be dissolved by one partner if the other one did not adhere to his word, but the dissolution could not be effected so simply. Forms had to be observed. Galbert often mentions the rite of the *exfestucatio* in which a *festuca*, a stalk or twig, was thrown away as an expressive and performative symbol of the rejection of fealty. So on Thursday 29 March 1128 — Thierry of Alsace had by then entered the competition for the throne and was the candidate preferred by the burghers of Ghent and Bruges — the knights of Oostkerke and many others presented themselves to Count William with their names written on a parchment. They rejected their fealty, undoubtedly through messengers who bore the parchment and threw the *festuca* in their name.¹⁰⁸

If what Galbert says about one of his scapegoats, William the bastard, is true, and he forced the merchants at the Ypres fair to pay him homage, then a fundamental principle of the bond, the autonomy of those involved, was ignored. It would be naive to reduce social reality to a set of norms, as if a study of traffic rules would suffice to understand a concrete traffic situation; yet, on the other hand, a study of traffic without any knowledge of the rules borders on the absurd. Through knowledge of the norms connected with the bond between a lord and his vassal, we gain more understanding of the sometimes curious ways in which human beings tried to wriggle out of their obligations by observing formalities and fabricating legitimization. The brave Gervaise, who had received the office of the castellany of Bruges in fief and had become a vassal of William Clito, was placed in awkward circumstances when Thierry of Alsace became the favourite of the burghers of Bruges. If he wanted to keep his position as castellan, he had to switch from William to Thierry. Trimming his sails to the wind, he finally did so on 2 April 1128, saying that the peers of the land and the whole people had condemned William 'as a lawless, faithless, and for God and men a rightless person, still wandering

¹⁰⁸ Galbert, c. 38: '[...] arreptis festucis [...] exfestucaverunt hominium [...]'. The words *exfestucare* and *exfestucatio* refer at the same time to the casting away of the *festuca* and to the rejection of the fealty; Galbert, c. 95. On the *exfestucatio* by the knights of Oostkerke and others, see Galbert, c. 101: '[...] illi milites ex Ostkerca ex nomine inscriptos parchamento sese et plures alios transmiserunt consuli Willelmo in Ipra et exfestucaverunt fidem et hominia quae olim fecerant ipsi eidem consuli'.

in the land'.¹⁰⁹ If this is supposed to mean that William was publicly condemned in a court by the peers and representatives of 'the whole people', Gervaise's assertion is doubtful, as we shall see below.

We will call 'feudal' such mutual relations as were expressed by the rituals Galbert described, and the word 'feudalism' may be used to refer to the whole set of feudal relations.¹¹⁰ In this sense we can hardly speak of 'a feudal society' in twelfth-century Flanders, still less 'a feudal society in medieval Europe': we need only consider the importance of family ties (which had conferred a hereditary character to the feudal bond) to see that not all relations between people, even in the higher ranks of society, were feudal in form. Nevertheless, everyone reading Galbert's work and looking at the balance of power in Flemish society will be struck by the feudal character of so many relations between the members of the political and military class. Moreover, in those days the traditional feudal model, relating to warlords and knights, encroached on the field of the new rising power: that of the merchants, citizens, and urban communities.¹¹¹

A Mass Meeting in Ghent in February 1128

Not everybody was pleased with William Clito, and in August 1127 in Lille a rebellion arose against him. He besieged the town, quashed the rebellion, and imposed a fine of 1400 marks silver on the citizens, payment of which was a necessary, albeit in itself

¹⁰⁹ Galbert, c. 104: '[. . .] eo quod pares terrae et omnis populus illum condemnauerit, sine lege, sine fide, sine iustitia Dei et hominum adhuc in terra errantem [. . .]'. The office of castellan was granted to Gervaise on 2 April 1127 at Deinze (Galbert, c. 54: apparently he was one of the men who met there Count William and the King of France). On Monday, 26 March 1128, as the citizens refused to receive William, Gervaise (who was already under pressure from the citizens to make a clear choice for William or for them (Galbert, c. 98) told the prominent citizens that he, 'according to secular law', could not break, without losing his honour, with William, and that he had to leave the town. But he should do his best, he said, to convince the count not to harass the citizens till next Sunday (1 April 1128) and to reconcile them with the count. If that appeared to be impossible, so the loyal vassal promised, he would inform the citizens of every evil plan of William (Galbert, c. 100). On 31 March, Saturday, Gervaise's situation became perilous. The men of Bruges did homage to Thierry of Alsace and some of them, including vassals of Gervaise, were plotting against him, trying to put a relative of the former castellan, Didier Hacket, in Gervaise's place (Galbert, c. 103). On Monday, 2 April, Gervaise arrived at Bruges, announced his break with William, and became the vassal of Count Thierry, receiving from him the office of castellan (Galbert, c. 104).

¹¹⁰ For the moment this must suffice in relation to 'feudal' and 'feudalism', even though we know that people introduce terms such as 'culture', 'civilization', 'mentality', 'nation', 'feudalism', and even 'Middle Ages' and 'medieval', and then start to argue about an allegedly true meaning of these terms.

¹¹¹ See Heirbaut, 'Galbert van Brugge: een bron voor de Vlaamse Feodaliteit', pp. 59–62; Dhondt, 'Les "Solidarités" médiévales', p. 538, nn. 3–5.

insufficient, condition of making peace with him.¹¹² In 1128 the grumbling among the people rapidly increased. On 2 February the citizens of Saint-Omer rose in rebellion. They were besieged by William and 600 marks of silver were handed over to him to obtain peace.¹¹³ On 16 February, the citizens of Ghent revolted against their castellan, accusing him of treating them 'continuously unjustly and vilely'. The castellan fled to his lord for assistance. William came in haste to 'restore peace' between the castellan and the citizens. He intended to subject the citizens, to impose the castellan on them by force, and perhaps to exact from them an appreciable amount of silver. He entered the rebellious town and stayed there for several days, but he did not risk a military confrontation, probably because of the impressive military force of the rebels rendered the result of such a confrontation uncertain.¹¹⁴

Then the citizens, by arrangement with the peers Baldwin of Dendermonde and Ivan of Aalst, called William to account. A mass meeting was arranged. Ivan, who was made spokesman for the citizens, addressed the count in a famous speech, which began, as it was rendered by Galbert, as follows: 'Lord Count, if you had meant to deal justly with our citizens, your burghers, and with us, their friends, you would not have inflicted us with depraved exactions and hostilities. No, you would have defended us from our enemies and treated us with honour'. Ivan challenged William as his lord and the lord of the peers, the citizens of Ghent, and the whole land:

It is well known how much violence and pillage you have caused in Lille, and how unjustly and perversely you have persecuted the citizens of Saint-Omer. And now, if you can, you will maltreat the citizens of Ghent. But since you are our lord and the lord of the whole land of Flanders, you ought to deal reasonably with us, not violently or perversely.¹¹⁵

Ivan presents the peers as the count's guarantors (*fidejussores*), who on oath had guaranteed to the king the faith pledged by the count. As the count had broken the oaths he swore concerning the remission of tolls, the maintenance of peace, and the rights 'which the men of this land obtained from the counts of the land', the peers were involved and could not remain neutral. So Ivan accused William of a double breach of faith ('You violated your faith and our faith which we together with you swore about that') and he made the following proposal:

Let your court, if you please, be summoned at Ypres, which is located in the middle of your land, and let the leaders from both sides, who are peers together with us, and all the wise men from the clergy and people come together in peace and unarmed, with a calm mind and in prudence, without guile or evil intent, and let them judge! If thereupon you could keep the countship without harm for the honour of the land, I wish that you should keep it. But if you are such a person who is, let me say an outlaw, a faithless deceiver, a

¹¹² Galbert, c. 93.

¹¹³ Galbert, c. 94.

¹¹⁴ Galbert, c. 95; see Raoul C. van Caenegem, 'The Ghent Revolt of February 1128', in his *Law, History, the Low Countries and Europe* (London, 1994), pp. 107–17 (pp. 107–08).

¹¹⁵ Ibid.

perjurer, get out of the county and leave it to us for a man who is suitable and who respects the law.¹¹⁶

Referring to the responsibility of the peers as guarantors, Ivan continued:

For we are the mediators between the King of France and you, so you did, without regard for the honour of the land and our counsel, nothing worthy in the county.¹¹⁷

It sounds revolutionary, and yet a traditional comital court was proposed. As the composition of such a court was variable, an enlargement by 'all the wisest men from the clergy and the people' was not a fundamental alteration of the tradition and, in view of the rising power of the urban communities, and of the feudal bond of the citizens with the count, it was understandable. Moreover, it was not totally new for a case in which the count himself was involved to be treated before his own court.¹¹⁸ The bond with the count was mainly feudal, and therefore reciprocal, and could justly be rejected if the

¹¹⁶ Ibid.: 'Ponatur curia vestra, si placet, in Ipra, qui locus est in medio terrae vestrae, et convenient principes utrimque nostrique compares ac universi sapientiores in clero et in populo in pace et sine armis, tranquillo animo et bene considerato, sine dolo et malo ingenio, et dijudicent. Si potueritis comitatum salvo honore terrae deinceps obtinere, volo ut obtineatis. Sin vero talis estis, scilicet exlex, sine fide dolosus, perjurus, discedite a comitatu et eum nobis relinquit idoneo et legitimo alicui viro'. William's outlawry was undoubtedly expected; in his place a 'vir legitimus' (Middle Dutch: *wetachtig*) will come, i.e. a man worthy of belief, reputed to respect the law (in sharp contrast with an outlaw). Banishment resulted from outlawry; outlawry was in fact a more severe and comprehensive penalty than banishment (see Van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen*, pp. 137–40). Cf. the words of Gervaise in *Galbert*, c. 104: '[...] eo quod pares terrae et omnis populus illum condemnaverit, sine lege [exlex], sine fide, sine justitia Dei et hominum adhuc in terra errantem': banished, but still wandering in the land.

¹¹⁷ Ibid.: 'Nos enim mediatores sumus inter regem Franciae et vos ut sine honore terrae et nostro consilio nihil in comitatu dignum ageretis'. We interpret the *ut* in this sentence as a consecutive *ut*, but perhaps it has to be interpreted as a final *ut*: 'We are the mediators between the King of France and you to guarantee that your acts in the county are worthy', mixed with the concomitant idea: 'and that is only possible if you respect the honour of the land and our counsel' (perhaps translation from spoken Dutch to written Latin led to the mixture of both ideas within a contrived grammatical construction).

¹¹⁸ Concerning the traditional character of the proposed assembly, see François Louis Ganshof, 'Les origines du concept de souveraineté nationale en Flandre', *Tijdschrift voor Rechtsgeschiedenis*, 18 (1950), 135–58 (p. 149). On some cases in which the count was involved and which were treated before his court, see idem, 'Die Rechtsprechung des gräflichen Hofgerichtes in Flandern', pp. 170–71, n. 1; Warlop, *The Flemish Nobility*, 1.1, 150 and 1.2 (1975), 434, n. 91; Rider, *God's Scribe*, p. 161, pp. 310–11, n. 80. The feudal aspects of the proposition are discussed in Raoul C. Van Caenegem, 'Galbert of Bruges on Serfdom, Prosecution of Crime, and Constitutionalism', in *Law, Custom and the Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon*, ed. by Bernard S. Bachrach and David Nicholas (Kalamazoo, 1990), pp. 89–112 (p. 103); Heirbaut, 'Galbert van Brugge: een bron voor de Vlaamse feodaliteit', pp. 60–61.

count appeared indeed guilty of an immoral, unlawful, and Godless breach of fealty. Consequently, the idea of a large court judging, deposing, and chasing an unworthy prince as an outlaw and replacing him with a better one, can to a large extent be explained by a pre-existing institutional framework. Theoretical ideas, particularly concerning the Investiture Contest, may have influenced the discourse of Ivan as rendered by Galbert, but ideas of course are only picked up and appropriated in as far as they fit within existing institutions, tendencies, and needs.¹¹⁹

Ivan's speech implies the existence of a national consciousness and a practical notion of the people's sovereignty. This idea is manifested in the wish to participate in the election of the prince, and in the conviction that 'the people' was allowed to control the prince and to dismiss him because of faithlessness, deceit, and perjury. Moreover, the discourse of Ivan reveals a 'constitutional' notion of comital power in the sense that the behaviour of the count had to be tested for its compatibility with 'the honour of the land'.¹²⁰

Ivan concluded:

Behold! You have dealt perversely not only with us, your guarantors to the aforesaid king, but also with the burghers of almost all Flanders, contrary to the faith and oath sworn by the king, yourself and subsequently by all of us, leaders of the land.¹²¹

William was not amused. He would have broken with Ivan, Galbert tells us, by throwing the *festuca* if, under the glare of the restless crowd, he had dared to do so. He exclaimed:

Well then, I wish to make myself your equal by casting away the homage you have done to me. Without delay I will prove against you by a duel that I as count have thus far acted rightly and reasonably in every way.¹²²

¹¹⁹ On the inspiration of Ivan's words by learned ideas and the polemical texts of the Investiture Contest, see Van Caenegem, 'Galbert of Bruges on Serfdom', pp. 105–07; Rider, *God's Scribe*, pp. 150–65; Heinrich Sproemberg, 'Das Erwachen des Staatsgefühls in den Niederlanden: Galbert von Brügge', in *L'Organisation corporative du Moyen Age à la fin de l'Ancien Régime: Études présentées à la Commission Internationale pour l'histoire des Assemblées d'États*, vol. III (Louvain, 1939), pp. 31–89. On the expression 'all wisest men from the clergy and the people' ('universi sapientiores in clero et populo'): Dhondt, 'Les origines des états de Flandre', p. 18, n. 1; by using, as he often does in his work, the ready-made formula for the election of a bishop ('a clero et populo'), Galbert may refer to 'the whole people' and not to different social categories (clerics and laymen).

¹²⁰ Concerning national consciousness: see note 3 above. Concerning the notions of sovereignty and representation, see Ganshof, 'Les origines du concept de souveraineté nationale en Flandre'; Dhondt, 'Les origines des états de Flandre'; idem, "'Ordres" ou "puissances": L'exemple des états de Flandre', in *Estates or Powers*, pp. 27–49. For 'constitutionalism' in a broad sense, see Van Caenegem, 'Galbert of Bruges on Serfdom', pp. 102–07. Concerning 'constitutionalism' as required compatibility with the honour of the land, see A. Demyttenaere, *Galbert of Bruges and the Honour of the Land* (forthcoming).

¹²¹ Galbert, c. 95.

¹²² Galbert, c. 95.

He thus wanted to defend himself, to purge his name and his honour from guilt and blot, not by words in a political discussion, but by the sword, in a judicial duel. A previous rejection of the homage was needed, for a duel could only be fought between equals, and apparently the peers were the equals of the count (the *pares comitis*) but for the homage they had done him.¹²³ Ivan refused, and finally they agreed to talk things over peacefully in the proposed assembly at Ypres, which was appointed for Thursday 8 March, at the beginning of Lent.

An Aborted Assembly and the Arguments of Money and Arms

The count went to Bruges. He convoked all his vassals in the surroundings and ordered them to make haste: with their armed force they had to move, in his company or towards him, to Ypres. He also convoked the citizens of Bruges, begging them to remain faithful to him. This they promised. On the set day, 8 March, the count arrived at Ypres and filled the town with knights and mercenaries, ready and girded for battle. Then Ivan and Daniel sent messengers to William who, in their name and in the name of the men of Ghent, rejected by the throwing of the *festuca* the homage they had rendered him. The reason for this rejection was William's deceit and his readiness — and that during 'the holy time of Lent' — to fight and to kill his own vassals, who until then had kept their feudal obligations inviolably.¹²⁴

The assembly at Ypres never met. That a similar assembly was held on another time or place is unlikely, despite the assertion of Gervaise.¹²⁵ Did William, who was so familiar with the sword, again want to flee from a battle of words? Was he not capable of settling the dispute verbally rather than with weapons? William, a brave warrior indeed, was neither a fool nor prey to his aggressive passions, but he was acutely aware of the fact that, as he told the citizens of Bruges, Ivan and his men intended to drive him from the land. That was indeed their purpose. William was already condemned before the court had pronounced its judgement. Not careful reflections and serious examination, but military power and constraint would decide the result. Even before the break of the feudal bond by Ivan and Daniel they had sent, according to Galbert, messengers to all the towns of Flanders with an unambiguous invitation:

If you wish to live with honour in the land, we will exchange hostages and guarantors with you, so that if the count tries to attack you or us by force, we can come from everywhere to each other's defence.

The citizens agreed

¹²³ Warlop, *The Flemish Nobility*, I.1, 150.

¹²⁴ Galbert, c. 95.

¹²⁵ See above and Rider, *God's Scribe*, pp. 170–71.

that they would do this most willingly, if without harm for the honour of the land and for their own honour they could get rid of this most perverse count, who was only intent on sly tricks to oppress his citizens.¹²⁶

At the Sand on 27 March 1127, the citizens of Bruges and their associates had sworn for the common interest of the fatherland. But a 'common' or 'national' interest always enfolds many particular, often incompatible concerns. One of these, a very important one for the citizens, or at least for some of them, was economic, and this was said without blushing. That William Clito, archenemy of his uncle Henry I, had become Count of Flanders was a move in the political struggle between the King of France and the English king. The countermove had been an English embargo on Flemish trade. In their answer to Ivan and Daniel the citizens referred to that embargo. They said, as Galbert rendered their words:

Behold! It is clear how the merchants and traders of the whole land of Flanders are besieged on account of that count [...] Already now, through this year, we have consumed our wealth [...] Think then how we can get rid of our plunderer and our oppressor, without violating however the honour of this land and your honour.¹²⁷

Citizens and peers had to look for a legitimate reason to dispose of the count without harm to the honour of the land and, of course, to their own honour. The legitimacy they found was not very sophisticated.

In the second week of April 1128, in a revolutionary manifesto the citizens of Bruges returned, in almost identical wording, to the trade embargo. Count William was a perjurer they said, and in their list of complaints the embargo appears as the last matter, but by no means the least. William was someone who, 'contrary to reason' and 'without regard for the law of God and men', shut them up in the land, so that trade became impossible. Therefore, they concluded, they had just cause to expel him from the land.¹²⁸ Besides, the two mentioned peers of Flanders, Ivan and Daniel 'had', as Galbert notices, 'received many gifts from the King of England and were about to receive more in return for the expulsion of his nephew'.¹²⁹ Society in those days, so it appears from Galbert's narrative, was imbued with greed: canons, citizens, knights, peers, counts, and kings, maybe all of them pious men, were largely driven by a craving for that money which makes the world go round. In the words of Petrus Pictor, a compatriot and contemporary of Galbert:

My pennies, hail! By thee I reign,
I rule by thee the princes of the earth!
What I esteem and venerate, what I love and frequent,
Your favour does, which does great things to me.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ *Galbert*, c. 106.

¹²⁹ *Galbert*, c. 101.

By thee the empire Caesar keeps, and without thee
The empire no Caesar can obtain.¹³⁰

Another Aborted Assembly and the Interference of the King of France

The manifesto of the citizens of Bruges was an irreverent answer to a written order, sent by Louis VI to the towns of Flanders. The king had a hard time. Military intervention in Flanders to secure the threatened position of William Clito, his vassal and creature, was almost impossible; an imminent danger arose in Normandy, where the English king 'marched into France because the French king was supporting his nephew and enemy'.¹³¹ At least he could try to solve the crisis by means of peaceful arrangements. From each town, eight distinguished, 'wisest men' were summoned for a meeting with the king at Arras, on 15 April. In their presence, and that of all his barons, the king would examine their conflict with William, and then try to arrive at a peaceful settlement between the citizens and their count. If any citizen were afraid to come, a safe conduct there and back would be granted to him.¹³² The proposed hearing seems an ingenious substitute for the aborted assembly at Ypres: the citizens could have their say in the impressive presence of the king and his mighty lords, and the 'misunderstandings' would be eliminated, but there would be little question of deposing William Clito.

With or without safe conduct, the citizens, at least the citizens of Bruges, stayed at home. 'They started at once to study on a reasonable and considered reply in the letter that they would send'. The king 'was a perjurer', they said,

since before the recognition of Count William he swore that he neither wanted nor was entitled to receive any payment or price for the election of that count, but still afterwards the king openly received one thousand marks as price and payment.¹³³

The amount of one thousand marks silver apparently was paid by William to the king as a 'relief', a payment sometimes imposed by a lord on a candidate vassal in return for

¹³⁰ Petrus Pictor, *De denario*, in *Petri Pictoris Carmina necnon Petri de Sancto Audemoaro Librum de coloribus faciendis*, ed. by L. Van Acker, *Corpus Christianorum, Continuatio Mediaevalis*, 25 (Turnhout, 1962), XIII: 'Denarii saluete mei, per uos ego regno, / Terrarum per uos impero principibus. / Quod probor et ueneror, quod diligor atque frequentor, / Gratia uestra facit, que michi magna facit. / Per uos imperium Cesar tenet, et sine uobis / Imperium nullus Cesar habere potest.' Remark the ironic reference to the Magnificat: '[. . .] fecit mihi magna qui potens est' (Luke 1.49).

¹³¹ Henry, Archdeacon of Huntingdon, *Historia Anglorum*, VII, c. 38, ed. and trans. by Diana Greenway (Oxford, 1966); see Ganshof, 'Le roi de France en Flandre en 1127 et 1128', p. 224, n. 1.

¹³² Galbert, c. 106.

¹³³ Ibid.

permission to succeed his predecessor as vassal and obtain his fiefs.¹³⁴ The citizens did not like their fatherland being offered for sale, doubtless also because they would contribute to the high price. Not only the king, but also the count was a perjurer, the citizens argued. Moreover, they had already chosen another one as their count, 'a man faithful and prudent who was raised to the power in accordance with the custom of the land and established by our faith and homage'. This faithful man was Thierry of Alsace, who had become, among the many candidates, the most important rival of William Clito in the rush for the Flemish throne. Portentously the citizens declared:

Therefore we give notice to all, both to the king and his barons, and to our contemporaries and our successors, that the King of France has nothing to do with the choice and the installation of the Count of Flanders, whether a count has died with or without heirs. But the peers of the land and the citizens have the power of electing the closest heir of the count, and they have the right of raising him to the countship.¹³⁵

Where was their reverence for the king, the so-called 'emperor'? 'Emperor' was a fine title. It could evoke the king's independence of the Roman Emperor, his superiority to the mighty rulers in the West such as the Count of Flanders, or his authority over their subjects. Indeed, at Bruges on 15 April 1127, the citizens had convened in the presence of the king and, begging mercy for a traitor, in 'adoration' they prostrated themselves for his dignity. Of course dignity is not equal to effective power, and the 'emperor', as he was bound by an oath to the peers, could not meet the citizens' supplication.¹³⁶ Now the imperial epithet was totally useless. To the citizens, Louis was the King of France and the feudal lord of their count, but neither the King of Flanders nor *their* feudal lord. They pretended that the feudal bond between the high-handed king and their count could not entail any right of the king to sell the fatherland or to interfere in the election of a count; certainly they had accepted the acting of the king on this point, but that was merely in deference to the fact that he was the count's relation:

[. . .] the king has no reasonable ground to impose on us a count on his own authority by sale or for a price, or to push someone forward. But because the king and the Count of Flanders were till now joined together by the bond of kinship, the knights and the most prominent men and the citizens of Flanders, out of consideration for this fact, gave their assent to the king concerning the election and installation of that William as their count. But what is due on account of kinship is one thing, quite another thing is what is determined by the ancient tradition of the preceding counts of Flanders and by established right.¹³⁷

¹³⁴ Ibid. See Ganshof, *Feudalism*, pp. 136–39.

¹³⁵ Galbert, c. 106.

¹³⁶ Galbert, c. 65.

¹³⁷ Galbert, c. 106: '[. . .] Sed aliud est prorsus quod ex cognatione debetur aliud vero quod antiqua praedecessorum Flandriae consulum traditione ac justitia examinatur instituta'. *Justitia* can have the meaning of 'justice' or 'righteousness', but also (just as the Dutch word *recht*) the meaning of 'law (written or not)' and '(a) right' (see the twenty-four meanings of *justitia* in J. F. Niermeyer and C. van de Kieft, *Mediae Latinitatis Lexicon Minus* (Leiden, 1976), pp. 569–72).

It is not surprising that the citizens, defending the honour of their land and challenging royal authority, did not want to make a trip to Arras and back. Despite the promise of safe conduct, they risked falling into the hands of armed bands, or to be isolated from their community before the king and all his barons. What is a safe conduct in troubled times? The previous year, on 10 April, William Clito himself had set out from Bruges to Saint-Omer, but he came back at night, because he was accompanied by few men whom he could trust.¹³⁸ After all, 'the King of France has nothing to do with the choice of the Count of Flanders'; better, therefore, to stay at home. As far as we know, this assembly too never met.

The fierce war in Flanders did not stop. On 23 April, Thierry of Alsace subdued the region of Lille.¹³⁹ 'Truly, the whole land was so torn by dangers, by ravaging, arson, treachery, and deceit that no distinguished person could live in security'.¹⁴⁰ Meanwhile, the King of France did not give up. A large assembly at Arras on 6 May, a Sunday, was prepared during the previous week. This time the king employed the judicial powers of heaven and earth. 'Archbishops and bishops' were summoned and 'all persons among the clergy who have a place in the synod, and abbots and the most distinguished persons from both clergy and people, counts and barons and other leading men'. The assembly, acting as a general court, had to decide the following question: 'which of the two counts he [the king] should drive out by his royal authority and whom he should establish?'.¹⁴¹ The sentence was, not surprisingly, in favour of William. In a following session of the assembly the ecclesiastics, forming a provincial synod, acted: Thierry was excommunicated and an interdict was laid on the cities supporting him. But the power of these earthly and spiritual judges was not sufficiently enforced by the assistance of weapons. At Bruges on 21 June, in the church of the Holy Virgin, after a public procession with crosses and reliquaries, the priests of Bruges solemnly excommunicated 'William, count of the Normans'. In defiance of the interdict, in Bruges the divine offices were still celebrated and the dead still were being buried in the holy ground.¹⁴²

A good month later, thanks to fickle fortune or Divine dispensation, the course of events took an unexpected turn. On 27 July, during the siege of Aalst, William received a mortal wound and soon, maybe that very day, he died. Immediately 'the rumours and the tidings of the death of that prince were fluttering on all sides'.¹⁴³ At Bruges,

We assume that the term *justitia* is used here in the sense of 'right' as a lawful and morally good, just claim (see also *Galbert*, c. 104). Count Baldwin V was married to Adela, daughter of the French king Robert II (996–1039), great-grandfather of King Louis. Adela was mother, grandmother, or great-grandmother of all the Flemish counts who succeeded Baldwin V.

¹³⁸ *Galbert*, c. 56.

¹³⁹ *Galbert*, c. 107.

¹⁴⁰ *Galbert*, c. 110.

¹⁴¹ *Ibid.*

¹⁴² *Galbert*, c. 114.

¹⁴³ *Galbert*, c. 119.

uncertainty ended on Sunday 29 July, when a messenger announced the death of William. Weeks of anxious suspense came to an end.¹⁴⁴ Thierry rapidly extended his authority and ascended the Flemish throne. Life went back to normal, and Galbert clearly no longer felt like writing. He disappeared into the mists of time, leaving us an unfinished, but valuable little masterpiece.

Conclusion

We have looked at the dynamics of a society and its political meeting culture through the eyes of Galbert, who was particularly but not exclusively interested in events taking place at Bruges. He evokes an uncommonly rich and vivid image of social life in Bruges and Flanders. We view a stage on which intense meeting activity was conducted and many individuals and groups, working together or fiercely fighting one another, become visible while an avalanche of horrifying individual and social dramas hit the spectator who knows that it was not a play, but a matter of life and death. Men of flesh and blood — not literary constructs, symbols, or ideas — fight, suffer, and die. Galbert tells us about real people. Beggars, peasants, mighty warlords, knights, citizens, clerics, and laymen appear, and men of the same or different places and social categories, interacting with each other and striving for their interests, come together in various meetings, secret or public, small or large, and of a simple or complex social composition.

In one work, treating events taking place in less than two years, we find a richness of information that historians and archaeologists generally have to scrape up from many stubborn sources. Galbert, keen observer with a feeling for the concrete that he is, nevertheless has serious limitations. The image of society in twelfth-century Flanders he offers us, although variegated, is far from complete. Obviously his war journal is not intended to answer the questions of twenty-first-century historians. Startled by the murder of Count Charles, the subsequent power vacuum, and the struggle for power, he wrote to calm his anxious heart, searching for insights into the course of events, their cause and meaning. His social scope was mainly focussed on the world of male adults in as far as they weighed in the balance of political power, while his blind spot for the world of women seems somewhat morbid.

During the years 1127 and 1128, fights and palavers in Flanders leapt up with uncommon intensity. The land seemed to be furiously buzzing, like a suddenly disturbed hornets' nest. Messages and rumours continuously and nervously travelled through space and time, leading to temporary concentrations of human contacts — political meetings and struggles — and then, invigorated or defeated, went on their way. With violent and shaking motions, almost like a caricature, this uncommon situation shows a very common reality. In quiet as in restless times, meetings are not isolated facts; they always come about within a continuous woven web of human contacts and communications. And when events are accelerating, things do not arise out of nothing. Intensified

¹⁴⁴ *Galbert*, c. 120.

activity is anchored in a known environment, in known ways of transport, in existing modes of communication, and in the available deliberative structures and meeting forms.

Galbert says almost nothing about the material framework of communications, the routes and the means of transport, the horses, the stopping places to rest or to relay horses or messengers. Similarly, he tells us little about the art of the messengers, secret agents, and guides, who had to transmit specific messages amid the all-pervasive rumours, passed on by other people, such as the merchants who, with their wares, automatically spread the news of the murder. But the central role of the messengers' activities becomes clear in Galbert's narrative, and sometimes we can feel what it meant to transport a message in a world of scarcely developed technology. On routes which were unlit, without the help of written signs or maps, the messengers went on their way, relying on mental maps (as is seen, for example, in the anticlockwise scheme Galbert uses to sum up the place around Bruges), on acquaintance with the roads, and on a sense of direction that, as we have seen, was not always well-developed. When we consider what Galbert reveals about the modes of communication, we are struck by the predominance of the spoken word. It is at the heart of all contact; the written word merely seems to support and accompany oral communication.¹⁴⁵ Written texts are read or commented aloud for a listening public or are used to confirm 'the voice' of mighty men, once even, on the occasion of an *exfestucatio*, to represent mighty men. Symbolic gestures, such as giving each other the right hand, the kiss of vassal and lord, or the *exfestucatio*, accompanied the spoken words, or were — with the spoken words — part of a composite ritual, like the feudal ritual. The all-encompassing oral communication in Galbert's society, in which writing is merely one element, albeit an important one, is illustrated in Galbert's entrusting his work 'to your hearing and that of all the faithful'.¹⁴⁶

The composition of the meetings in Galbert's narrative reflects the differences and interconnections of his society. That composition was, roughly speaking, determined by two 'dimensions': geographical location and social ranking. The role of geographically determined solidarities is very marked. A feeling of identity existed among people living in the same area, together with a sense of distinction from people living elsewhere. The urban communities of Ghent and Bruges each had their own meetings, while they fostered some distrust against the other, and with contacts between them easily leading to quarrels and fights. Yet, living in each others' vicinity and in the one 'land' of Flanders, they concluded pacts with each other. People in Flanders considered their town, region, and county to be more than mere irrelevant contingencies. Intersecting with the geographical dimension, social ranking made the picture of society more comprehensive and more complex. Men of the same rank, aware of their similar function and status and their distinction from other people, convene and form sworn associations among themselves,

¹⁴⁵ See Alan V. Murray, 'Voices of Flanders: Orality and Constructed Orality in the Chronicle of Galbert of Bruges', *Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent*, 48 (1994), 103–19 (p. 105).

¹⁴⁶ Galbert, c. 3: 'Super hoc mentis studio, quod in tam arcto positus, vestro et omnium fidelium auditui in communi commendavi [. . .]'.

but being part of geographically determined groups, they also cross the boundaries of their rank to enter into bonds with men holding other positions on the social ladder. The peers came together and swore among themselves to maintain the peace or to resist the supposedly unilateral choice of a count by the king; arriving at Bruges with their armed men, they were not admitted into the town without previous meeting and a sworn agreement with the citizens. Some of the peers even entered into a coalition with urban communities to protect 'the honour of the land' against William Clito. The social composition of meetings reveals the interdependency of many groups in Flanders and, conspicuously, the urban communities, appearing as forces to be reckoned with.

We should not forget an important category of participants: the celestial beings, in particular the saints, almost omnipresent through their relics and reliquaries, giving the meetings their solemn character and providing, thanks to frequent oaths, many social bonds with religious weight. Relics and reliquaries were palpable signs of a connection between the earthly and the supernatural communities. In the eyes of Galbert this connection was such that he saw Count Charles, who died 'in this earthly order', now living in another order, 'the heavenly countship with God Himself, the Lord to whom belong the empire, the praise, the honour, and the glory for all eternity'.¹⁴⁷ To Galbert, the social world on earth had its eminent extensions in the heavenly world and in the world after the Resurrection of the dead, in which Charles would be a member of the great and glorious gathering, in the continuous company of the faithful rulers and the highest princes of the Church, to contemplate the Holy Trinity.¹⁴⁸ The successor of Charles, William Clito, was not so lucky, Galbert thought. By divine dispensation William went to the infernal 'places of punishment' among the shades — his old fellow-fighters or his victims — whom he had sent before him; to them William had to confess that on earth he had lost everything, except his military fame.¹⁴⁹

In part the meetings held during these convulsive years looked back to old meeting types, such as the comital court or the synod, or fitted within old social networks, such as the gathering on a traditional meeting place, the Sand, by the honourable men of Bruges and the surrounding region. Even the revolutionary, though aborted, assembly intended to condemn and to chase away William Clito was conceived as a traditional comital court, with the revolutionary claims of peers and citizens being fed by feudalism, which was, however, crossing traditional boundaries. Clearly new things happened. The old powers, the King of France, the peers of Flanders and the successor of Count Charles, were aware of it, or had to learn by bitter experience: exercise of power in Flanders was out of the question without considering the new, rising powers of the towns.

¹⁴⁷ *Galbert*, c. 23: 'Nimirum anima ejus [. . .], suorum meritorum praemia possidet penes ipsum qui sibi hoc ordine seculo mori dispensavit et vivere in comitatu superno cum ipso Deo ac Domino, cui imperium, laus, honor et gloria per infinita secula seculorum. Amen'.

¹⁴⁸ *Galbert*, c. 63.

¹⁴⁹ *Galbert*, c. 121: '[. . .] comes Wilhelmus de omnibus quae in vita possedit secum post mortem permanere fatebitur inter umbras quas ad penalia loca praemisit, nisi militiae laudem'.

In as far as political life was organized according to the feudal model (with the count presiding his court as a feudal overlord), the distribution of power went in the direction of reciprocity between the persons involved.¹⁵⁰ The direct legitimating basis of authority and submission within a feudal context was not a timeless 'natural' order, nor the will of God, who eventually speaks through this order, but a conditional pact between a lord and his vassal. But the attempt to involve the citizens in the government of the county within an enlarged comital court failed, as did the attempt of the King of France to convoke a 'parliament' with his barons and eight representatives of each Flemish town, and the interurban assemblies and coalitions did not encompass all the land and lacked the permanence of an institution. An adequate organized frame to act according to the new realities was not yet available. Although we admit that modern democracy has little to do with the democracy of the ancient city state in the fifth century BC, but rather has its roots in medieval institutions such as feudalism and the courts of kings and counts, in Galbert's days we perceive only some tendencies towards the parliamentary democracy that was to develop later.

The events reported by Galbert had their starting point in the power vacuum created by the murder of the childless Charles, their development in the bids and struggles for power, and their final denouement in the death of William Clito and the enthronement of Thierry of Alsace. Strikingly, the whole drama would lose much of its meaning without the pre-existing national framework of the principality.¹⁵¹ For the inhabitants of Flanders it was *their* count, the guarantor for the common good of *their* land, who was murdered. The involvement in the choice of a new count, the revolt against William, and the coalitions between citizens of different towns, between peers and citizens, citizens of Bruges and the mighty knights of the region, are understandable only within this national framework, the feeling of belonging to one fatherland, and the distinction — implicit or clearly pronounced — between the interests and the honour of the count and the general interests and the honour of the land.

Occasionally peers, mighty knights, and citizens, standing up for the common interest, acted as representatives of the whole land. This is particularly reflected in their claim to participate in the vital matter of the election of a count who had to be, as the formula of the oath sworn on the Sand has it, 'willing and able to serve the common benefit of the fatherland'.¹⁵² A well-intentioned count was not good enough; his military strength was to be such that he was 'able to maintain by force the rights against the enemies of the fatherland'.¹⁵³ Moreover, it was obvious that the new count could not be a stranger. He had to be a so-called 'natural' lord, a member of the old Flemish

¹⁵⁰ See Raoul van Caenegem, *An Historical Introduction to Western Constitutional Law*, 2nd edn (Cambridge, 1996), pp. 59–60.

¹⁵¹ See Dhondt, 'Medieval Solidarities', pp. 283–85; idem, 'Les origines des états de Flandre', pp. 58–59.

¹⁵² *Galbert*, c. 51: '[. . .] talis [. . .] qui utilitati communiter patriae velit et possit prodesse'.

¹⁵³ *Ibid.*: '[. . .] qui jura potenter contra hostes patriae obtinere poterit'.

dynasty.¹⁵⁴ The peers did not accept a unilateral appointment of a count by the King of France; the honourable citizens and mighty knights wanted their voice in this matter to be heard, and finally the citizens of Bruges asserted that the choice of a count was not even the affair of the King, but that of 'the peers and the citizens of the land'. But who chose the peers, the mighty knights, and the honourable citizens? The peers and the knights did not receive a mandate from their subordinates, and the honourable citizens were certainly not delegated by the town's lower orders. Those claiming, in theory or in action, the right to participate in the election of a count were 'designated' by their high birth, their capacity to unleash military force, or their wealth. Only the mightiest elements in society, that is, those persons and groups able to provoke serious discord and fights if their honour, belongings, and life were threatened, could come into the fore as the spokesmen of the community and the representatives of the common good.¹⁵⁵

Rare are those who explicitly oppose the ideal of a common good, as long as this ideal is sufficiently vague to conceal the divergent and conflicting wishes and demands of the various individuals and groups within a society. The 'common good' in fact entails a complex totality of identical and divergent interests. Clearly, in Galbert's days different groups stood up for their own interests, or for their own self-seeking interpretation of the common good. A relative stability in society, however, was to the benefit of all. 'A relative stability' means a situation in which people, at least the people who matter, believe that their life, belongings, and honour are sufficiently safeguarded and not threatened by arbitrary violence. The use of weapons may be needed to defend the common interest (or one's own interest) against enemies, murderers, and thieves, but weapons are dangerous instruments. It is tempting to give in to the arbitrary expansion of power and terror. To maintain or to bring about relative stability in society, decisions are to be made through negotiation, in which the self-interests of the various powerful individuals and groups are considered. Indeed, through negotiation the King of France, the peers, the counts, and the citizens, all attempted to avert the dangers that might destabilize society and undermine their own positions. If for some reason one of them believed that he was strong enough to enforce decisions and to realize his own interpretation of the common good by the argument of weapons (as, for example, Count William Clito did, degrading and extorting the proud urban communities), military might was, within the bounds of possibilities, met by military might. And as long as one of the parties involved feared for his honour, belongings, or life, meetings called to 'negotiate' were aborted.¹⁵⁶

¹⁵⁴ See the claim of the citizens of Bruges, *Galbert*, c. 106: '[...] sed terrae compares et cives proximum comitatus heredem elegendi habeant potestatem et in ipso comitatu sublimandi possident libertatem'.

¹⁵⁵ In the terminology of Dhondt these elements are the 'powers'. See, e.g., Dhondt, 'Medieval Solidarities', p. 285.

¹⁵⁶ I wish to express my gratitude to Peter van der Eerden and Louek Meijer, both of the Leerstoelgroep Middeleeuwse Geschiedenis of the University of Amsterdam, for their discussion of some of the knotty problems of translating Galbert's Latin into English. Any remaining infelicities in the translations are, of course, my own.

Representative Assemblies in Communal Italy*

EDWARD COLEMAN

Representative assemblies in communal Italy were quite different from assemblies in other parts of medieval Europe. In the first place royal assemblies, although not entirely absent, were much less important than in transalpine areas. The German emperors, as rulers of the *Regnum Italicum*, did summon assemblies from time to time at the traditional meeting-place of Roncaglia near Piacenza. It was at Roncaglia in 1158, for example, that the emperor Frederick I Barbarossa (after 1122–90), assisted by four doctors of law from the university of Bologna, set out his famous programme for the restoration of imperial rule in northern Italy, a move that was to lead to nearly two decades of war with the communes. But this was an exceptional occasion in many ways, and none of Frederick's successors were ever again in a position to preside over a gathering of similar ambition and pretension.¹

* This article originated from a paper presented at one of the sessions on assemblies organized by Paul Barnwell and Marco Mostert at the Leeds International Medieval Congress, 10–13 July 2000. A revised version was read at the Denys Hay seminar in the University of Edinburgh on 27 November 2000. I benefitted greatly from the questions and comments of the audiences on both occasions.

¹ Frederick Barbarossa's Roncaglia assembly is described by the chronicler Rahewin, *Gesta Friderici imperatoris*, in *Ottonis et Rahewini Gesta Friderici I. imperatoris*, ed. by Georg Waitz and Bernhard von Simson, MGH SS rer. Ger., 46 (Hannover, 1912), pp. 158–59; see also *Die Urkunden Friedrichs I. (Friderici I. diplomata)*, ed. by Heinrich Appelt and others, 5 vols, MGH Die Urkunden der deutschen Könige und Kaiser (Diplomata regum et imperatorum Germaniae), 10 (Hannover, 1975–90), II, 237–43. It is discussed by, amongst others, Antonio Marongiu, 'La concezione imperiale di Federico Barbarossa', in *Popolo e stato in Italia nell'età di Federico Barbarossa, Alessandria e la lega lombarda: XXXIII Congresso storico subalpino, Alessandria, 6–9 Oct. 1968* (Turin, 1970), pp. 129–52 (pp. 140–41), and Renato Bordone, 'L'amministrazione

The characteristic Italian assembly during the twelfth century was on a much smaller scale than Roncaglia, because of the fact that — contrary to the plans of Frederick Barbarossa — northern Italy became politically decentralized with the establishment of city communes. The assemblies about which we are best informed are consequently urban and communal, convened inside cities and attended by citizens (*cives*). Such assemblies were not a creation of the communes, however: city-dwelling Italians had been in the habit of meeting together for many centuries, primarily to elect their bishop. The earliest evidence for this is the Edict of the Lombard king Rothari (636–52), issued in 643, which refers to the holding of a *conventus ante ecclesiam*.² In the eleventh century, assemblies held in Milan are mentioned by the chroniclers Arnulf († after 1077), Landulf Senior († after 1085), and Landulf of S. Paolo († 1136 or later). The assembly was therefore already a venerable civic institution in many north Italian cities before the appearance of communes in the early twelfth century.³

Historians who have researched the formation of the commune generally agree that the assembly and the college of consuls were its two principal institutional components.⁴ However, research has tended to focus more on consuls than on assemblies for several reasons: consuls are recognizably new in the twelfth century and clearly associated with the emergent commune; they are also often named, which allows a certain amount of family background to be investigated; and normative texts (such as consular oaths of office) that provide information on their role and duties survive from the mid-twelfth century onwards.⁵ Records of assemblies, on the other hand, are less full. Although the city assembly certainly pre-dates the commune, the evidence for its development until the twelfth century is sparse.⁶ Even under the commune, the criteria for membership of

del regno d'Italia', *Bullettino dell'Istituto storico italiano per il Medio Evo*, 96 (1990), 135–56 (pp. 142–44). Surprisingly, the series of imperial assemblies at Roncaglia and Monza (where Italian royal coronations took place) have not been the subject of a modern study, as far as I am aware.

² *Edictus Rothari*, c. 343, in *Leges Langobardorum*, ed. by Franz Beyerle, 2nd edn (Witzenhausen, 1962).

³ Cosimo Damiano Fonseca, "'Ecclesia matrix" e "Conventus civium": L'ideologia della cattedrale nell'età comunale', in *La Pace di Costanza 1183: Un difficile equilibrio di poteri fra società italiana ed impero* (Bologna, 1984), pp. 135–50.

⁴ The bibliography here is vast. For orientation see my 'The Italian Communes: Recent Work and Current Trends', *Journal of Medieval History*, 25 (1999), 373–97, and Renato Bordone, 'Le origini del comune in Lombardia', in *Comuni e Signorie nell'Italia settentrionale: La Lombardia*, ed. by Giancarlo Andenna and others, UTET Storia d'Italia, 5.6 (Turin, 1998), pp. 317–26.

⁵ Examples in Renato Bordone, *La società urbana nell'Italia comunale (secoli XI–XIV)* (Turin, 1984), pp. 230–31, n. 14; pp. 232–33 n. 16; pp. 236–38, n. 19.

⁶ Amongst the early documents usually cited are the will of Archbishop Ansper of Milan (879), which refers to an *asamlatorium* in front of the city's cathedral (*Codex Diplomaticus Langobardiae*, ed. by Giulio Porro-Lambertenghi, *Historia Patria Monumenta*, 13 (Turin, 1843), No. 483; Guido Mengozzi, *La città italiana nell'alto medioevo* (Rome, 1914), p. 256), and a diploma of the emperor Lothar II (945), which mentions the existence of a *conventus civium* in

the assembly, its internal workings, and its political weight in the urban body politic are not always clear. It seems certain that its role diminished towards the end of the twelfth century, however, as it does not feature prominently in early civic statutes which clarify the profiles of communal institutions and offices around this time.⁷

Despite the relative lack of information about the assembly, there are grounds for believing that it was important in the initial phase of the commune. While it is true that the consulate is very visible in the sources, its actual powers were limited. Consuls were changed every year, and their oaths of office bound them to act only in specific spheres. Furthermore, they were answerable to the 'people' (*populus*) and could not act without the people's authority, which seems to have been collectively invested in the assembly. In this respect the long-established role of the assembly in the political life of the city is likely to have been important. Just as the office of bishop, with which the commune also sought to associate itself, the assembly may have lent the new political structures of the twelfth century the invaluable weight of tradition.⁸

Most of the research carried out on the communal assembly in Italy has been within the framework of legal history.⁹ The assembly has been considered primarily in

the cities of Mantua, Brescia, and Verona (*I Diplomi di Ugo, di Lotario, di Berengario I e di Adalberto*, ed. by Luigi Schiaparelli, *Fonti per la Storia d'Italia*, 38 (Rome, 1924), pp. 251–52, No. I). Other relevant documents are conveniently collected in Paolo Brezzi, *I comuni cittadini italiani: Origini e primitiva costituzione* (Milan, 1940).

⁷ Paolo Cammarosano, *Italia medievale: Struttura e geografia delle fonti scritte* (Rome, 1991), pp. 151–59, gives a brief and lucid summary of statutory legislation. For more in-depth treatment, see *Statuti, città territori in Italia e Germania tra Medioevo e Età Moderna*, ed. by Giorgio Chittolini and Dietmar Willoweit, *Annali dell'Istituto storico italo-germanico in Trento*, 30 (Bologna, 1991), and *Statutencodices des 13. Jahrhunderts als Zeugen pragmatischer Schriftlichkeit*, ed. by Hagen Keller and Jörg W. Busch, *Münstersche Mittelalter-Schriften*, 64 (Munich, 1991).

⁸ The definitive statement of the importance of continuity and tradition in legitimizing the commune (with particular reference to bishops) remains Giovanni Tabacco, 'La sintesi istituzionale di vescovo e città in Italia e il suo superamento nella "res publica" comunale', in his *Egemonie sociali e strutture di potere nel Medioevo Italiano* (Turin, 1979), pp. 397–428 (English trans.: *The Struggle for Power in Medieval Italy*, trans. by Rosalind Brown Jensen (Cambridge, 1989)); see also Pierre Racine, 'Évêque et cité dans le royaume d'Italie: Aux origines des communes italiennes', *Cahiers de Civilisation Médiévale*, 27 (1984), 129–40; Livia Fasola, 'Vescovi, città e signorie (secc. VIII–XV)', in *Chiesa e società: Appunti per una storia delle diocesi lombarde*, ed. by Adriano Caprioli and others, *Storia Religiosa della Lombardia*, 1 (Brescia, 1986), pp. 79–126; Renato Bordone, *La società cittadina del Regno d'Italia: Formazione e sviluppo delle caratteristiche urbane nei secoli XI e XII* (Turin, 1987), pp. 130–41.

⁹ The approach goes back to Karl Hegel in the mid-nineteenth century (*Geschichte der Stadtverfassung von Italien* (Leipzig, 1847), esp. part 5). Its trajectory in the twentieth century can be followed in works such as Mengozzi, *La città italiana*, pp. 249–58; Pietro Silverio Leicht, 'La posizione giuridica dei parlamentari medievali italiani', in *L'organisation corporative du Moyen Age*, 3 vols, *Études de la Commission Internationale pour l'Histoire des Assemblées d'États*, 2–3, 7 (Louvain, 1937–43), 1 (1937), 94–109; idem, 'I diplomi regi ed imperiali a favore delle città nei secoli X–XI ed il sorgere dell' "universitas civium"', in his *Scritti vari di storia del*

constitutional and institutional terms, and has been compared with representative bodies in other parts of medieval Europe, notably England and Iberia.¹⁰ Less attention has been paid to the topic from the perspective of social and political history. It may be helpful to do so, and to consider the assembly's role in the formation and early development of the city commune. Adopting this approach allows for consideration not only of the formal assembly of *cives* documented in the twelfth century, but also the less formal gatherings of people in cities recorded in narrative sources from c. 1050 onwards. It is with these that we shall begin.

Assemblies in Milan during the Pataria

In the middle years of the eleventh century, at the height of the agitation for ecclesiastical reform which in northern Italy was associated with the *Pataria*, sources record several assemblies which appear to foreshadow those of the city communes. The *Pataria* itself was by common consent a 'popular' movement, which drew support from a wide social spectrum. Its collective nature was epitomized by the public swearing of oaths and the holding of large assemblies making it, in the words of one historian, 'clearly cognate with the early commune'.¹¹ It made a particularly strong impact in

diritto italiano, 2 vols (Milan, 1943–49), I (1943), 194, 221–35; Antonio Marongiu, *Il parlamento in Italia nel Medio Evo e nell'Età Moderna: Contributo alla storia delle istituzioni parlamentari dell'Europa occidentale* (Milan, 1962); Edoardo Ruffini, 'I sistemi di deliberazione collettiva nel medioevo italiano', in his *La ragione del più: Ricerche sulla storia del principio maggioritario* (Bologna, 1977), pp. 211–310; Roberto Celli, *Pour l'histoire du pouvoir populaire: L'expérience des villes-états italiennes (XI^e–XII^e siècles)* (Louvain, 1980); idem, 'Il ruolo del parlamento nel periodo formativo del comune' and 'Il principio del potere popolare nella genesi dei comuni italiani', in *Poteri assemblee autonome: Il lungo cammino verso la sovranità popolare: Miscellanea in memoria di Roberto Celli* (Udine, 1989), pp. 17–40 and 41–55.

¹⁰ E.g. by Gaines Post, 'Roman Law and Early Representation in Spain and Italy, 1150–1250', *Speculum*, 18 (1943), 211–32.

¹¹ Quote from John Kenneth Hyde, *Society and Politics in Medieval Italy: The Evolution of Civil Life, 1000–1350* (London, 1973), p. 55. On the *Pataria* in general, see Cinzio Violante, *La Pataria milanese e la Riforma ecclesiastica* (Rome, 1955); idem, 'I laici nel movimento patarinico', in *I laici nella 'societas christiana' dei secoli XI e XII*, Atti della 3^a settimana di studio Mendola, 1965 (Milan, 1968), pp. 597–687; idem, 'La Pataria e la "militia Dei" nelle fonti e nella realtà', in *Militia Christi e Crociato*, Miscellanea del Centro di Studi Medioevali, 13 (Milan, 1992), pp. 103–28; Giovanni Miccoli, 'Per la storia della Pataria milanese', in his *Chiesa Gregoriana: Ricerche sulla riforma del secolo XI* (Florence, 1966), pp. 101–67; *La Pataria: Lotte religiose e sociali nella Milano dell'XI secolo*, ed. by Paolo Golinelli (Milan, 1984); Alfredo Lucioni, 'L'età della Pataria', in *Diocesi di Milano*, ed. by Adriano Caprioli and others, Storia religiosa della Lombardia, 9 (Brescia, 1990), pp. 167–94. In English, see Herbert E. J. Cowdrey, 'The Papacy, the Patarenes and the Church of Milan', *Transactions of the Royal Historical Society*, 18 (1968), 25–48, and Henk Teunis, 'The Failure of the Patarine Movement', *Journal of Medieval History*, 5 (1979), 177–84.

Milan, Cremona, and Piacenza, cities which would shortly afterwards be numbered among the most important communes in Lombardy.¹²

The main sources for the *Pataria* are the Milanese chroniclers Arnulf and Landulf Senior, both of whom were hostile to the Patarenes.¹³ Of particular interest for this discussion are their descriptions of archiepiscopal elections. The participation of the lay congregation in the election of the archbishop was of course time-honoured practice, validated in canon law. However, in Milan it tended to become the focal point of tension between the pro- and anti-Reform factions in these years, according to the chroniclers, and occasionally descended into something akin to mob rule. The Milanese populace not only actively participated in elections, but was also able to cause the removal of an archbishop from office, and even his expulsion from the city (notably in the case of

¹² On links between the *Pataria* and the emergence of commune, see Hagen Keller, 'Pataria und Stadtverfassung, Stadtgemeinde und Reform: Mailand im "Investiturstreit"', in *Investiturstreit und Reichsverfassung*, ed. by Josef Fleckenstein, Vorträge und Forschungen, 17 (Sigmaringen, 1973), pp. 321–50; cf. Bordone, *La società cittadina*, pp. 140–41; Gerhard Dilcher, 'I comuni italiani come movimento sociale e forma giuridica', in *L'evoluzione delle città italiane nell'XI secolo*, ed. by Renato Bordone and Jörg Jarnut, Istituto storico italo-germanico in Trento: Quaderno, 25 (Bologna, 1988), pp. 71–98. With regard specifically to the assembly, the point is stressed most forcefully by Celli, who writes: 'la formazione della assemblea cittadina del parlamento [era] una delle grandi rivoluzioni che la riforma gregoriana favori senza volere' (Celli, 'Il principio del potere popolare', pp. 46–55).

¹³ Arnulf, *Liber gestorum recentium*, ed. by Claudia Zey, MGH SS rer. Ger., 67 (Hannover, 1994) (replaces the earlier edn: *Gesta archiepiscoporum mediolanensium*, ed. by Ludwig Bethmann and Wilhelm Wattenbach, in *Chronica et gesta aevi Salici*, ed. by Georg Heinrich Pertz and others, MGH SS, 8 (Hannover, 1848), pp. 1–31); Landulf Senior, *Historia mediolanensis*, ed. by Alessandro Cutolo, *Rerum italicarum scriptores*, new edn, 4.2 (Bologna, 1940) (replaces the earlier edn by Ludwig Bethmann and Wilhelm Wattenbach, in *Chronica et gesta aevi Salici*, pp. 32–100). On these works, see Ovidio Capitani, 'Storiografia e la riforma della chiesa: Arnolfo e Landolfo seniore di Milano', in *La storiografia altomedievale*, 2 vols, Settimana di studio del Centro italiano di Studi sull'Alto Medioevo 17 (Spoleto, 1970), II, 557–629; idem, 'Da Landolfo seniore a Landolfo iuniore: momenti di un processo di crisi', in *Milano e il suo territorio in età comunale (XI–XII secolo)*, 2 vols, Atti del 3° Congresso internazionale di studi sull'Alto Medioevo, 1987 (Spoleto, 1989), I, 589–622; Jörg W. Busch, *Die Mailänder Geschichtsschreibung zwischen Arnulf und Galvanus Flamma: Die Beschäftigung mit der Vergangenheit im Umfeld einer oberitalienischen Kommune vom späten 11. bis zum frühen 14. Jahrhundert* (München, 1996). A narrative of the events in the period covered by the chroniclers is provided in *Storia di Milano*, 17 vols (Milan, 1953–66), III (1954), 3–393. Further relevant discussion can be found in Annamaria Ambrosiani, 'Gli arcivescovi di Milano e la nuova coscienza cittadina', in *L'evoluzione delle città italiane*, ed. by Bordone and Jarnut, pp. 193–222; eadem, 'Gli arcivescovi e il comune cittadino', in *Milano e la Lombardia in età comunale, sec. XI–XIII*, ed. by Ermanno A. Arslan (Milan, 1993), pp. 24–35; Hagen Keller, 'Mailand im 11. Jahrhundert: Das Exemplarische an einem Sonderfall', in *Die Frühgeschichte der Europäischen Stadt im 11. Jahrhundert*, ed. by Jörg Jarnut and Peter Johanek (Köln, 1998), pp. 81–104.

Archbishop Aribert, a few years earlier, in 1040).¹⁴ During the *Pataria*, the archbishops faced more or less continuous challenges to their authority from within the city.¹⁵ Perhaps only in Rome was there a comparable level of popular pressure surrounding ecclesiastical appointments.

The Patarenes seem to have been highly organized. Notice of their mass meetings was spread through the city by word of mouth and even by what appears to have been billposting. Landulf Senior accuses the Patarene leaders, Ariald and Erlembald, of whipping up crowds against the secular clergy with potentially violent consequences. He thought they were dangerous partly because of the eloquence, learning, and wit of their rhetoric, but principally because the crowds that assembled to hear them included 'the young and the old, the wise and the foolish, the honest and the dishonourable'. In short, the kind of people who had little to lose and who, in the opinion of the chroniclers, represented a potential threat to the established social order.¹⁶

Writing in c. 1136, another Milanese chronicler, Landulf of S. Paolo, described a meeting held in the city in 1117 concerning another disputed archiepiscopal succession, which was further complicated by papal-imperial rivalry. These were more or less perennial conditions in late-eleventh- and early-twelfth-century Milan, as was noted. However, this passage is more detailed and interesting than the earlier accounts of crowds and meetings contained in Arnulf and Landulf Senior:

The cities of Lombardy and their bishops, responding to the embassies of Archbishop Jordan [of Clivio] and the consuls of the same of the city, met at Milan on the agreed day in a field called the *Broglio*. Here the archbishop and the consuls caused two platforms to be constructed. On one the archbishop, bishops, abbots, and clergy took their places, on the other the consuls and experts in law and custom. And around these flocked an enormous crowd of people, both clerics and laymen, including women and girls expecting that vices be condemned and virtues exalted.¹⁷

¹⁴ Arnulf, *Liber gestorum recentium*, II, cc. 13–20.

¹⁵ Arnulf, *Liber gestorum recentium*, III–IV.

¹⁶ 'Itaque missis per civitatis vicos et plateas cartulis hominibus, perstreptentibus tintinnabulis multis et magnis ac garrulantibus feminis, quatenus omnes tam iuvenes quam senes, tam sapientes quam insapientes, tam probi, quam improvidi unamiter convenientes, quae aedificationis ac animae salutis forent, auribus audirent attentis, satagebant. Itaque civibus convocatis universis Arialdus quasi ardens totus pulpitem ascendens commune, oculis ut leo flamivomis, nimiaque ira commotus, multa de sacerdotibus exprimens detestabilia quasi omnis nimia inundatione turgidus lapides sylvas homines ac pecora volvens emittebat quasi munus ac durus parasitus sub obtentu religionis omnem turpitudinem, quae ab ore hominis inhoneste proferri potest, ridenti populo, emittebat' (Landulf Senior, *Historia mediolanensis*, III, c. 9); Bordone, *Società cittadina*, pp. 38–39; Celli, 'Il ruolo del parlamento', pp. 28–29. In his discussion of the origins of the name *Pataria* Arnulf implies that many of the Patarenes were of lowly social status (*Liber gestorum recentium*, IV, c. 11).

¹⁷ 'Langobardorum autem civitates et earum pontifices, audita legatione Yordani archiepiscopi et consulum eiusdem urbis, in statuta die convenerunt Medolanum, in prato scilicet quod dicitur Brogium. Ubi archiepiscopus et consules duo theatra constituerunt; in uno archiepiscopus cum

This extract is usually taken to be the earliest evidence of the existence of a commune in Milan. Reference is made to civic office-holders (the consuls) and what one might loosely call their legal team (the 'experts in law and custom': 'consules et vires legum et morum perites'). The meeting was held in 'a field called the *Broglia*' ('in prato scilicet quod dicitur Brolium'), a site that was to become the habitual meeting-place of the communal assembly of Milan in the twelfth century. *Broglia* literally means enclosed field or garden, but the term (and the cognate *Broletto*) appears to have become a synonym for assembly-place not only in Milan but also elsewhere in northern Italy. At Milan the *Broglia* remained the focus of civic power throughout the twelfth century and the permanent meeting place for the city's consuls (*domus consularis*). In 1196 the city's first communal palace was constructed there.¹⁸

It is worth stressing also that Landulf writes that 'an enormous crowd of people, both clerics and laymen, including women and girls' ('Atque in circuitu eorum affluit innumera multitudo clericorum et laicorum, mulierum quoque et virginum') was gathered in the *Broglia* in 1117. The distinction between 'crowd' and 'assembly' is a difficult one to draw in this context. It might be argued that the chroniclers did clearly distinguish them, using one vocabulary when writing of crowds (e.g. *turba*, *multitudo*, *populus*) and another to describe assemblies (e.g. *parlamentum*, *colloquium*, *concio*, *arengus*). Landulf of S. Paolo, for example, uses the term *concio* when referring to the communal assembly.¹⁹ Yet it is hard to see the meeting he describes in 1117 as anything other than an assembly, even if it is not explicitly called such. It is interesting too that this crowd (just as the earlier crowds described by Landulf Senior and Arnulf) is highly mixed, containing laymen and clerics, men and women. Such apparently open and unrestricted participation in the public life of the city contrasts with the later communal assembly.

episcopis et abbatibus et ecclesiarum prelates stetit et sedit, in altero consules cum viris legum et morum peritis. Atque in circuitu eorum affluit innumera multitudo clericorum et laycorum mulierum quoque et virginum expectantium sepelitionem vitiorum et suscitationem virtutum' (Landulf Junior (de S. Paolo), *Historia Mediolanensis*, c. 44, ed. by Carlo Castiglioni, *Rerum italicarum scriptores*, new edn, 5.3 (Bologna, 1934)); cf. *Gli atti del comune di Milano fino all'anno MCCXVI*, ed. by Cesare Manaresi (Milan, 1919), No. 1 (1117), a document enacted 'in arengo publico'. On Landulf of S. Paolo, see also Capitani, 'Da Landolfo seniore a Landolfo iunior'.

¹⁸ Jan Frederik Niermeyer, *Mediae Latinitatis Lexicon Minus* (Leiden, 1976), p. 106; Francesca Bocchi, 'Il Broletto', in *Milano e la Lombardia in età comunale*, ed. by Balsano, pp. 38–40, with references to Milanese documents in which the term appears. In general, see Gigliola Soldi Rondinini, 'Evoluzione politico-sociale e forme urbanistiche nella Padania dei secoli XII–XIII: i palazzi pubblici', in *La Pace di Costanza 1183*, pp. 85–98.

¹⁹ Landulf Junior (de S. Paolo), *Historia Mediolanensis*, cc. 15, 44, 47, 48, 59. Bordone, *Società cittadina*, pp. 44–45, 54. It is not until the late twelfth/early thirteenth century that writers such as Boncompagno da Signa attempted to distinguish between the various terms used for 'assembly'; Post, 'Roman Law and Early Representation', p. 227, n. 1.

There the sources invariably record only *cives* attending, i.e. a group strictly defined as to legal status, social position, and gender.²⁰

Terminology, Convocation, Meeting-Place

The earliest references to communal assemblies do not occur in documents emanating from the communes themselves, but in imperial diplomas addressed to groups of citizens (*cives*). The number of concessions of rights and privileges of this kind increases from the reign of Henry III (1039–56) onwards.²¹ The issuing of these diplomas suggests that the cities had reached a sufficiently advanced level of political organization to petition the imperial court. Although the number of surviving documents is quite small, it should be borne in mind that only successful petitions are likely to have been preserved. In 1081, for example, in a diploma issued by the emperor Henry IV (1050–1106) in favour of the citizens of Pisa, we find the earliest reference to a communal assembly. According to this document, twelve men of the city elected in an assembly (*in colloquio*) were to act as representatives of the Pisans in their dealings with the emperor.²² Nine years later the Pisan assembly is mentioned again in a document recording a judgement made by the city's archbishop regarding the maximum height to which urban towers could be built.²³

These documents date from what was effectively a transition phase between the episcopal and communal regimes in the city. The Pisan assembly appears to have been functioning as a forum for the election of civic office-holders (the *boni homines*). Even so, at this stage the archbishop was still involved in the secular sphere in which he would subsequently cede authority to the commune. The term used to describe the assembly at Pisa (*colloquium*) is one of several used to denote an assembly in documentary sources. At Piacenza in 1135 the assembly is called *concio*, as in the chronicle

²⁰ Celli, 'Il principio del potere', pp. 42–43.

²¹ Leicht, 'I diplomi regi ed imperiali'; Ottavio Banti, 'Dal civitas al comune nelle fonti italiani dei secoli XI e XII', in *Forme di potere e struttura sociale in Italia nel Medioevo*, ed. by Gabriella Rossetti (Bologna, 1977) pp. 217–32; Renato Bordone, 'Nascita e sviluppo delle autonomie cittadine', in *La Storia: I grandi problemi dal medioevo dell'età contemporanea*, ed. by Nicola Trafaglia and Massimo Firpo, 10 vols (Turin, 1986–88), *Medioevo* 2.2, *Popoli e strutture politiche* (1986), pp. 427–60, and idem, *La società cittadina*, pp. 129–41.

²² *Die Urkunden Heinrichs IV. (Heinrici IV. diplomata)*, ed. by Dietrich von Gladiss and Alfred Gawlik, 3 vols, MGH Die Urkunden der deutschen Könige und Kaiser (Diplomata regum et imperatorum Germaniae), 6 (Hannover, 1941–78), II (1959), No. 336, pp. 442–43. Celli, 'Il ruolo del parlamento', pp. 25–26.

²³ Gabriella Rossetti, 'Il lodo del vescovo Daiberto sull'altezza delle torri: prima carta costituzionale della repubblica pisana', in *Pisa e la Toscana Occidentale nel Medioevo: A Cinzio Violante nei suoi 70 anni*, 2 vols (Pisa, 1991), II, 25–41. Celli, 'Il ruolo del parlamento', pp. 26–27.

of Landulf of S. Paolo.²⁴ In some early-twelfth-century documents from Milan (1117) and Cremona (1120) the assembly is called *arengus*, while at Genoa the word used was *parlamentum*.²⁵ Despite the terminological variation, all these terms seem to denote a general meeting of *cives* convened to consider issues of common concern.

It is difficult to establish how frequently assemblies were held in the early communal period. Landulf of S. Paolo states that the assembly at Milan in 1117 met *statuta die*. This is probably best translated as 'on the agreed or arranged day' for that particular occasion, though we know that later communal assemblies were held on set days. It is possible, however, that from an early stage the scheduling of assemblies was influenced by the rhythm of other large-scale gatherings in the city, particularly markets which were held on fixed days (weekly, fortnightly or monthly). Bonvesin della Riva (before 1250–1315), for example, writing in 1288, attests the existence of four annual fairs and 'an ordinary market' every Friday and Saturday in late-thirteenth-century Milan.²⁶ Assemblies and markets would have been held at the same location or close by, and both would have attracted large crowds, which might also have made it convenient to hold them simultaneously. On the other hand, given the face-to-face nature of communal society, it would not have been very difficult to organize an assembly at short notice. There would be no need to plan weeks or even months in advance, as with royal and princely assemblies north of the Alps.

Assemblies were normally summoned by the ringing of bells: variations of the phrase 'convened by the summons of bells' ('ad sonum campane convocatum') appear frequently in the sources.²⁷ According to the text of Henry IV's diploma to the Pisans, mentioned earlier, the *colloquium civium* gathered *campanis sonantibus*. The oath sworn by the citizens of Genoa in 1157 states:

When I hear the bells ringing for the assembly, or the town crier, if I am in the [old] city of Borgo or Castro or in the port as far as the bridge [. . .] I will go to the assembly to fulfil

²⁴ Arrigo Solmi, 'Le leggi piu antiche del comune di Piacenza', *Archivio Storico Italiano*, 2nd series, 73.2 (1915), 3–81, No. 1: 'et hoc statutum est a populo piacentino et in commune concione per sacramentum firmare fecerunt'.

²⁵ Manaresi, *Atti*, No. 1 (1117); *Le carte cremonesi dei secoli VIII–XIII*, ed. by Ettore Falconi, 4 vols (Cremona, 1979–88), II (1984), No. 279 (1120); *Codice diplomatico della repubblica di Genova*, ed. by Cesare Imperiale di Sant'Angelo, 3 vols, *Fonti per la Storia d'Italia*, 77, 79, 89 (Rome, 1936–42), II (1936), 350–59 (see below, note 28 for a full quotation); similarly in the Genoese *Annals*, e.g. the entry for the year 1123 (see below, note 55).

²⁶ *De magnalibus mediolani* (*Meraviglie di Milano*), c. 4, ed. by Paolo Chiesa (Milan, 1998); English trans. in *The Towns of Italy in the Later Middle Ages*, ed. by Trevor Dean (Manchester, 2000), p. 16.

²⁷ The centrality of bells in the public life of the city commune is vividly underlined by John Larner, *Italy in the Age of Dante and Petrarch, 1216–1380* (London, 1980), p. 228. See also the extract from the fourteenth-century statutes of Perugia concerning bell ringers quoted in *Towns of Italy*, ed. by Dean, pp. 220–21.

my obligations unless exempted by permission of the consuls concerning the convocation of the assembly.²⁸

This extract also shows that attendance at the assembly was obligatory for all Genoese citizens in the mid-twelfth century. Apart from bells and town criers, assemblies were also convened by a variety of noisy instruments such as trumpets, drums, and so on. At Cremona in 1210, for example, trumpets and bells summoned an assembly, which is on this occasion called *contio*.²⁹ Until the construction of communal palaces and their attached bell towers in the late twelfth century, the bells of the cathedral were used to summon citizens to the assembly. This was appropriate as the assembly often met, as was mentioned, *ante ecclesiam*. However, in the communal period it led to what one might term a 'politicization' of the cathedral campanile and bells, which became potent civic as well ecclesiastical symbols.³⁰ Frederick Barbarossa's destruction of the campanile of Milan cathedral after capturing the city in 1162 may thus be seen in this context primarily as a political act.³¹

There is a reasonable degree of certainty about where communal assemblies were held. The traditional meeting-place *ante ecclesiam*, in front of the cathedral, was partly a matter of practicality. The cathedral offered a central location and a convenient large open space.³² Moreover, as was just noted, the cathedral acquired a civic symbolism over time, which made it an especially appropriate assembly place. There are exceptions to this rule, however. For example, the square in front of the cathedral of S. Lorenzo in Genoa is very small, so the civic assembly was held elsewhere. At Piacenza, the *concio civium* met in front of the extra-mural church of S. Antonino until 1179 — i.e. until well into the communal period — when it was transferred to the square in front of the city's

²⁸ 'Et cum audiero campanam sonanentem pro parlamento vel in cintragum clamanentem populum per civitatem, si ero in civitate aut in burgo aut in castro sive in portu et usque ad pontem..., ibo ad illud parlamentum ad complendam laudationem consulum, nisi remanserit licenta consulum, de illis consulibus qui fecerint sonare parlamentum' (*Codice diplomatico della repubblica di Genova*, p. 351).

²⁹ *Codex diplomaticus Cremonae, 715–1334*, ed. by Lorenzo Astegiano, 2 vols (Turin, 1895–98), I, No. 111, pp. 215–16 ('Convocata publica contione per tubam et campanas sonata'). Bonvesin della Riva mentions trumpeters of the commune (*De magnalibus Mediolani*, c. 20), and musicians appear frequently on communal payrolls in many cities.

³⁰ Fonseca, "Ecclesia matrix", p. 141; Gina Fasoli, 'La cattedrale nella vita comunale', in *Atti dell'VIII centenario della dedizione del duomo di Modena (1184–1984)* (Modena, 1987), pp. 114–30.

³¹ Otto Morena and Acerbo Morena, *Historia Frederici I*, ed. by Ferdinand Güterbock, *Das Geschichtswerk des Otto Morena und seiner Fortsetzer über die Taten Friedrichs I. in der Lombardei (Ottonis Morenae et continuatorum historia Frederici I.)*, MGH SS rer. Ger., n.s., 7 (Berlin, 1930), p. 158.

³² Pierre Racine, 'Naissance de la place civique en Italie', in *Fortifications, portes de villes, place publiques dans la monde Méditerranéen*, ed. by Jacques Heers, *Cultures et Civilisations Médiévales*, 4 (Paris, 1985), pp. 301–22.

new cathedral.³³ The bishop's palace was also a favoured location in many cities.³⁴ In 1162 in Pavia, for example, a banquet was held to celebrate Frederick Barbarossa's capture of Milan 'in the bishop's court where the Pavesi hold their assembly'.³⁵ Smaller council meetings of the commune were also held on episcopal property during the twelfth century. All of this highlights the fact that none of the new political institutions of the commune had seats of their own before the late twelfth century. Furthermore, the use of ecclesiastical buildings underlines the close relationship between religious and civic affairs and serves as a reminder — lest it be forgotten — that in most cities communes were established with the cooperation of the bishop.

Procedures, Functions, Social Composition

What did communal assemblies actually do? The evidence suggests that the following functions were characteristic: declarations of war; ratification of truces, alliances, and pacts; the election of consuls; the passing of sentences; and the approval of statutes.

War was an overriding concern for citizens of all Italian communes. In the early twelfth century the defence of the city was in the hands of a citizen militia; citizens were, in effect, the commune's army. Each adult male was required to be closely involved in the organization, financing, and equipping of military operations, and also in the actual fighting. In some cities, notably Pisa, the assembly seems to have had a role in the arming and equipping of expeditions from the late eleventh century onwards.³⁶ The evidence of contemporary narrative and literary sources also strongly suggests that citizens felt a keen sense of pride in their city and were prepared to fight to defend it. Such sentiments of militant civic pride seem to have often found a natural outlet at the assembly where they gathered. Landulf of S. Paolo relates how the Archbishop of Milan 'inflamed the crowd in the assembly into seeking vengeance' during the city's war with Como (1118–27).³⁷ Caffaro (1080/81–1166) in his *Annals of Genoa* also gives accounts of speeches made before assemblies concerning the impending war (e.g. ahead of the

³³ According to the testimonies of the Piacentine chroniclers Giovanni Musso and Giovanni Codagnello (Fonseca, "Ecclesia matrix", p. 144).

³⁴ Maureen Catherine Miller, *The Bishop's Palace: Architecture and Authority in Medieval Italy* (Ithaca, 2000), pp. 87–88, 96–97.

³⁵ 'in curia episcopi ubi Papienses faciunt concionem', Morena and Morena, *Historia Frederici I.*, p. 159.

³⁶ Celli, 'Il ruolo del parlamento', pp. 25–26.

³⁷ Landulf of S. Paolo, *Historia mediolanensis*, c. 47, p. 29: 'Ipsam turbam concionis ad faciendam vindictam inflamavit'. Bordone, *La società cittadina*, p. 44.

campaign against the Spanish city of Almería in 1146–48), as do twelfth-century poems describing the operations of Pisa's fleet against the Arabs in the Mediterranean.³⁸

It could almost be said that a state of near-permanent war existed in northern Italy during the twelfth century, even if much of it was highly localized. The ratification of truces, pacts, and alliances (which seem to have occupied a considerable amount of assemblies' time) were in this sense 'war-related' matters. The standard procedure concerning these was the swearing of oaths of good faith, loyalty, and mutual protection before the assembly. This would be verbally ratified and witnessed by the assembly through the use of the *fiat* (further discussed below), after which a notary would draw up a formal document. Most commonly such alliances would be forged between two (or more) cities, a city and an individual (usually a nobleman), or a city and a smaller rural community.

Alliances between cities are recorded from the early twelfth century. They proliferated in the period of the Lombard League (c. 1167–83), as the city communes closed ranks against Frederick Barbarossa.³⁹ An early example of an agreement between a city and a smaller community was enacted in Cremona in 1118. Seven men of Cremona, elected in the bishop's court (*in curia episcopii*) and meeting in the presence of the *populus* in front of the cathedral, forged a pact of mutual alliance and assistance with a group of nobles (*milites*) from the nearby locality of Soncino.⁴⁰ Two years later, in the same city, in front of the assembly, *boni homines* invested an individual, a certain Villano Maestro, in a benefice consisting of lands in the area known as Oltrepò, in the modern province of Piacenza.⁴¹ The election of consuls in the assembly is attested from the very beginning of the Pisan commune in 1081, as was mentioned earlier. However, virtually no evidence survives about election procedures in Pisa, or indeed in any other

³⁸ *Annali Genovesi di Caffaro e de'suoi continuatori*, ed. by Luigi Tommaso Belgrano and others, 5 vols, *Fonti per la storia d'Italia*, 11 (Genoa, 1890–1929), I (1890), 33–34, 77–89. For the attack on Almería and other targets in eastern Spain, see John Bryan Williams, 'The Making of A Crusade: The Genoese Anti-Muslim Attacks in Spain, 1146–48', *Journal of Medieval History*, 23 (1997), 29–53 (with an English trans. of the relevant passage of Caffaro at pp. 47–53). See additionally, on Genoa's Spanish campaigns, Steven A. Epstein, *Genoa and the Genoese 958–1528* (Chapel Hill, 1996), pp. 49–52. A useful discussion of both Genoese and Pisan sources, together with further references, can be found in Chris Wickham, 'Sense of the Past in Italian Communal Narratives', in his *Land and Power: Studies in European and Italian Social History, 400–1000* (London, 1994), pp. 295–312, and Bordone, *Società cittadina*, pp. 40–42.

³⁹ Numerous examples in *Storia diplomatica della lega lombarda*, ed. by Cesare Vignati (Turin, 1866). For earlier city alliances, see Gina Fasoli, 'La lega lombarda – antecedenti, formazione, struttura', in her *Scritti di storia medievale* (Bologna, 1974), pp. 257–79. For the later twelfth century: *I patti tra Cremona e le città della regione padana (1183–1214)* (Cremona, 1999) (= *Bollettino Storico Cremonese*, n.s., 5 (1998)).

⁴⁰ *Le carte cremonesi*, II, No. 273; Celli, 'Il ruolo del parlamento', pp. 38–39.

⁴¹ *Le carte cremonesi*, II, No. 279 (1120).

city in the twelfth century. It seems highly unlikely that there was anything resembling a 'free vote' — a cursory examination of the early consular lists of any city will reveal that office-holding was the preserve of a small group of families. Furthermore, this restricted group tended to become self-perpetuating. For example, in Pisa, a century after Henry IV's diploma, consuls were no longer elected in the assembly but by a commission nominated by the serving consuls themselves — a 'closed shop' in other words.⁴²

Detailed information is lacking not only on the modalities of election, but also on how civic assemblies conducted their general business in Italian cities. In the mid-eleventh century, Landulf Senior and Arnulf record a lengthy public debate on the succession to Archbishop Aribert of Milan in 1045.⁴³ But it is not clear if the right to speak was open to all who attended or only to some, and, if it was restricted, what criteria were used. We cannot say with any certainty either if interventions were spontaneous or pre-arranged in this period, or indeed whether the surviving written records (documentary and narrative) are verbatim or formulaic accounts.⁴⁴ In the 1130s, Landulf of S. Paolo notes that he was urged to speak at the Milanese assembly. He would probably have needed little encouragement to do so, given his admission that he was nicknamed 'St. Paul's bell' for his booming rhetoric in defence of his uncle the priest Liprand († 1113) in his dispute with Archbishop Grossolano of Milan (1102–13), and of his own right to succeed Liprand in the church of S. Paolo.⁴⁵ Around this time non-Italian contemporaries, such as Rahewin († 1170/77), in his description of the Roncaglia assembly of 1158, mentioned earlier, and John of Salisbury (1115/20–80), who reports the critical comments of the English pope Adrian IV (1110/20–59) on the Lombards' love of speech-making, also suggest speaking *in piazza* was characteristic of communal politics.⁴⁶ But it is perhaps significant that most references to apparently open public

⁴² Celli, *Pour l'histoire*, pp. 30–31.

⁴³ Celli, *Pour l'Histoire*, pp. 26–27.

⁴⁴ Analogous problems with regard to the study of verbal submissions given in Italian court cases in the period up to the eleventh century are discussed by Chris Wickham, 'Land Disputes and their Social Framework in Lombard-Carolingian Italy, 700–900', in his *Land and Power*, pp. 229–56.

⁴⁵ Landulf of S. Paolo, *Historia mediolanensis*, c. 40: 'non sine causa michi infantulo adiecit nomen, scilicet clocam sancti Pauli'.

⁴⁶ Rahewin, *Gesta*, IV, c. 5; Bordone, *Società cittadina*, p. 38. The twelfth-century evidence, though not over-abundant, provides a clear context for the flowering of public rhetoric in the thirteenth-century and fourteenth-century commune, on which see Enrico Artifoni, 'I podestà professionali e la fondazione retorica della politica comunale', *Quaderni Storici*, 63 (1986), 687–719; idem, 'Sull'eloquenza politica nel Duecento italiano', *Quaderni Medievali*, 35 (1993), 57–78; idem, 'Retorica e organizzazione del linguaggio politico nel Duecento italiano', in *Le forme della propaganda politica nel Due e Trecento*, ed. by Paolo Cammarosano (Rome, 1994), pp. 157–82; idem, 'Gli uomini dell'assemblea: L'oratoria civile, i concionatori e i predicatori nella società comunale', in *La predicazione dei Frati dalla metà del '200 alla fine del '300* (Spoleto, 1995), pp. 141–88.

debates in assemblies, with interventions 'from the floor', are from the eleventh or early twelfth centuries. It is highly probable that debate — like the election of consuls — became progressively more controlled and restricted. Moreover, as the numbers attending the assembly could have been in hundreds, its will could only have been expressed collectively. This was achieved by the *fiat*. Thus the Pisan consuls pronounced sentence on the Visconti clan in 1153, 'on our authority granted by the entire people of Pisa in public assembly declaring *Fiat, Fiat*'.⁴⁷ In his *Annals of Genoa*, Caffaro records that at an assembly held in the city in 1162 all present cried *fiat* in approval of a decision to go to war with Pisa 'immediately and with one voice'.⁴⁸ According to the statutes of Lodi, drawn up in 1216, the statutes themselves were approved by *fiat* in the assembly.⁴⁹ However, the *fiat* was, by any measure, a fairly crude mechanism for decision-making, and the appearance of unanimity may be deceptive. The occurrence of the formula 'by the decision of all or the greater part' ('per parabolam omnium vel maioris partis') is common enough in the documents to suggest that some idea of majority decisions also existed. An example is Piacenza in 1170/71, where the 'major pars populi in concione' approved taxes.⁵⁰ The use of the *fiat* also meant that majorities were vocal rather than arithmetic. Voting was confined to smaller bodies; it is generally only attested much later.⁵¹

The assembly of the commune — like large-scale imperial assemblies — undoubtedly functioned as a court of law in the first half of the twelfth century.⁵² Indeed, many documents in which the communal assembly is mentioned then are records of decisions (*decreta*) taken by consuls in civil disputes (usually concerning landownership) brought before them.⁵³ By the mid-twelfth century in large cities such as Milan, however, there was a separate judicial college. The work of the 'consul-judges' (variously titled *consules placiti*, *consules iustitiae*, *consules causarum*) did not require the involvement of the assembly; civil law could fairly easily be taken out of the public domain. Criminal law

⁴⁷ 'ex nostra sane auctoritate a cuncto Pisarum populo in publica concessa clamante fiat, fiat': *Statuti inediti della città di Pisa dal XII al XIV secolo*, ed. by Francesco Bonaini (Florence, 1854), pp. 18–19; Celli, 'Il ruolo del parlamento', pp. 34–35.

⁴⁸ 'unde omnes qui in contione erant alacri animo una voce dixerunt fiat, fiat': *Annali Genovesi di Caffaro*, p. 71.

⁴⁹ 'Comune Laude tale fecit statutum et ordinamentum in publico contione clamando sciat sciat', quoted in Ruffini, *La ragione del più*, p. 237.

⁵⁰ Solmi, 'Le leggi piu antiche', p. 69; Celli, *Pour l'Histoire*, pp. 22–23.

⁵¹ Celli, *Pour l'Histoire*, pp. 22–23; Cammarosano, *Italia medievale*, pp. 159–66.

⁵² Antonio Padoa Schioppa, 'Aspetti della giustizia milanese dal X al XII secolo', in *Milano e il suo territorio*, I, 459–549; Pierre Racine, 'Le rôle des juges dans la formation des communes italiennes', in *Villes et sociétés urbaines au moyen âge: Hommage à M. Le Prof. J. Heers*, Cultures et Civilisations Médiévales, 11 (Paris, 1994), pp. 163–72. Cf. Chris Wickham, *Law, Custom and Conflict* (Rome, 2000), which covers Florence, Lucca, and Pisa.

⁵³ Celli, *Pour l'Histoire*, pp. 28–29, discusses examples from Pavia and Pisa.

(*vindicta*), on the other hand, seems to have remained an issue of concern for the whole community during the twelfth century.⁵⁴

The public and collective nature of the assembly made it the ideal forum for the communication of news to the community. This is illustrated by a passage from Caffaro's *Annals of Genoa*, reporting the inclusion of Corsica in the archdiocese of Genoa by decision of a Roman synod in 1123. According to Caffaro, who refers to his own role in the affair in the third person, the Genoese delegation returned to the city 'in triumph'. The entry continues:

And before the full assembly Caffaro read out the grant and all that had occurred at the synod; he discoursed honestly and wisely on what he had seen and heard while in the service of the city, before, during, and after the synod.⁵⁵

Probably the least satisfactory aspect of the assembly would have been its unwieldiness, and it is almost certainly for this reason that from an early stage in many cities we see communal business being transacted in smaller councils. A *consilium civitatis* is recorded in Cremona as early 1118, although in an investiture enacted before the city's assembly.⁵⁶ These councils (also termed *consilium credentiae* in the sources) seem to have initially filled an ancillary or facilitating role alongside the assembly and the consuls.⁵⁷ Gradually, however, they got more power and ultimately the consuls had to seek their approval, rather than that of the assembly, on all important matters. As much of the work of councils was legal, lawyers and jurists came to exercise significant influence in this arena. Landulf Junior's 'men skilled in law and custom', who were seated alongside the consuls of Milan in the assembly of 1117, had a bright future ahead of them. The rising importance of councils, in which the legal profession took a leading role, was undoubtedly detrimental to the position of the assembly in the political life of the commune.⁵⁸

Finally, it has to be asked: who attended communal assemblies? The simple answer would be to say the ubiquitous 'citizens' (*cives*) of the sources, but this begs another vexed question, namely: who were citizens? Did the term *cives* refer to all inhabitants of the city, just as the term *populus*? Or was it class-specific, applicable only to a distinct group in the city population? In legal terms, citizenship clearly did mark an

⁵⁴ Celli, *Pour l'Histoire*, pp. 32–35.

⁵⁵ 'Et in parlamento pleno privilegia et omnia que in sinodo gesta fuerant per ordinem a Caffaro narrata fuerant, sicut vidit et audivit in synodo; et ante synodum et post synodum pro servitio civitatis sue moratus fuit et que gesta sunt, honeste et sapienter tractavit' (*Annali Genovesi di Caffaro*, pp. 19–20).

⁵⁶ *Le carte cremonesi*, II, No. 273.

⁵⁷ Celli, *Pour l'Histoire*, pp. 36–37.

⁵⁸ Padoa Schioppa, 'Aspetti della giustizia'; François Menant, 'La transformation des institutions et de la vie politique Milanese au dernier âge consulaire (1186–1216)', in *Milano e il suo territorio*, I, 113–44. By the end of the twelfth century the consul-judges in Milan had their own *palatium* (Bocchi, 'Il Broletto', p. 39).

individual out and convey a privileged status, but it is less easy to tie it to a particular social group, although many have taken *cives* to mean the non-noble urban population.⁵⁹ The chronicler Otto of Freising (c. 1112–58), describing the distribution of consular office in the mid-twelfth century, appears to suggest something of this kind when he comments that several offices were assigned to *capitanei* (the upper landholding nobility), *valvassores* (the lower landholding nobility), and *cives*.⁶⁰ Otto's description is apparently corroborated by a judgement made by the consuls of Milan in 1130 concerning a dispute between the canons of S. Alessandro in Bergamo and the inhabitants of the locality of Calusco in the Milanese contado. On this occasion ten of the consuls are described as *capitanei*, seven as *valvassori*, and five as *cives*. This again implies the existence of a tripartite social division in which the 'citizens' were distinguished from the nobility.⁶¹ However, the matter is not quite so straightforward. The meaning of the terms *capitanei*, *valvassores*, and *cives* has been the subject of debate among historians, and it would be rash to apply any strict definitions to them.⁶² It is highly likely that all three terms altered their meaning over time. 'Citizen' seems to have been used in a fairly generic sense throughout the eleventh century, as is shown by the imperial diplomas

⁵⁹ The classic definition of *cives* was formulated by Cinzio Violante in the 1950s (Cinzio Violante, *La società Milanese nell'epoca precomunale* (Bari, 1952), pp. 123–67). Amongst subsequent works on Milan — a city always considered crucial as a indicator of social change by virtue of its size and importance and because of its exceptional documentation — and specifically with reference to Violante's theories, see Giancarlo Andenna, 'Una famiglia di "cives" proprietari terrieri nella pieve di Cesano Boscone: i Cagopisto', in *Raccolta di Studi in memoria di Sergio Mochi Onory*, Pubblicazione dell'Università Cattolica del Sacro Cuore: Contributi dell'Istituto di storia medioevale, 2 (Milan, 1972), pp. 641–86; Luisa Chiappa Mauri, 'A Milano nel 1164: un servo, un "capitaneus", un giudice: Per lo studio della società milanese in età comunale', *Archivio Storico Lombardo*, Ann. 16, ser. 9/9 (1992), 9–36.

⁶⁰ 'There are known to be three orders amongst them: captains, valvassors, and commoners. And in order to suppress arrogance the aforesaid consuls are chosen not from one but from each of the aforesaid classes' (Otto of Freising, *The Deeds of Frederick Barbarossa*, II, c. 13, ed. and trans. by Charles Christopher Mierow (New York, 1953)). I have reservations about the translation of the terms *capitanei* and *cives* as 'captains' and 'commoners'.

⁶¹ *Gli atti del comune di Milano*, No. 3, p. 7; the sentence was pronounced 'in theatro publico'.

⁶² This debate intensified following the publication of Hagen Keller's study of Lombard society between the ninth and twelfth centuries (*Adelsherrschaft und städtische Gesellschaft in Oberitalien: 9. bis 12. Jahrhundert* (Tübingen, 1979)). Keller argued that a 'society of orders (*ordines*)' emerged in north-western Italy in this period, and that social structure in the region was in general far more similar to transalpine Europe — far more 'feudal' — than had previously been realized or admitted. The criticisms of his thesis and Keller's responses are conveniently summarized in the introduction to the Italian translation of the book (*Signore e vassalli nell'Italia delle città (secoli IX–XII)* (Turin, 1995), pp. xi–lxviii).

addressed to *cives* discussed earlier.⁶³ In the twelfth century its meaning may have narrowed to denote urban-based professional groups, such as merchants, lawyers, and notaries, as distinct from the 'noble' owners of rural estates. However, lines of socio-economic demarcation probably always remained more blurred than legal categories: merchants, lawyers, and notaries owned land in the *contado* too, while nobles from the *contado* were often granted citizenship under the terms of agreements made with city communes, as we have seen. And both groups were active in city politics.

Conclusions

Assemblies had a recognized role in the political life of north Italian cities that stretched back at least to the seventh century. The importance of the assembly increased with the establishment of city communes in the early twelfth century. It then served as a forum for the election of consuls, as a court of law, and as a focal point for the dissemination of information among citizens. If, as seems likely, a relatively high proportion of the urban population attended the communal assembly, it also represented a considerable body of 'public opinion'.

The decline of the assembly was probably due to a combination of changed political circumstances and demographic factors. In the early twelfth century, a wide consensus of citizens was constantly required to shore up the legitimacy of what was then still a fledgling institution. But after Frederick Barbarossa's attempts to reimpose direct imperial rule in Italy had been thwarted, and the autonomous status of the communes had been recognized by the Peace of Constance (1183), such a consensus was less important. It was also becoming more difficult to sustain it as parties and factions became increasingly active in communal politics. Furthermore, the steadily rising urban population — attested everywhere by the appearance of new suburbs and the construction of new wall circuits — is likely to have rendered the assembly an increasingly unwieldy body in purely numerical terms.⁶⁴

The building of communal palaces at the end of the twelfth century is a sure sign that the heyday of the assembly was over. These elegant brick structures were often arcaded and open to the street on ground level. A large first floor chamber, lit by large bifore or trifore windows, was custom-built to hold meetings of the commune's councils, and it was here that real political power lay. The earliest surviving example of a communal

⁶³ Banti, "'Civitas' e 'comune'", pp. 219–20; Giovanni Cassandro, 'Un bilancio storiografico', in *Forme di potere*, ed. by Rossetti, pp. 153–74 (pp. 160–64); Celli, 'Il ruolo del parlamento', pp. 30–31.

⁶⁴ For a comprehensive survey of population statistics, see Maria Ginatempo and Lucia Sandri, *L'Italia delle città: Il popolamento urbano tra Medioevo e Rinascimento (sec. XIII–XVI)* (Florence, 1990).

palace is that of Brescia, which dates from 1187. It was soon followed by others, notably in Verona (1193), Bergamo (1200), Cremona (1206), Como (1215), and Milan (1228).⁶⁵

It is ironic that the communal assembly enjoyed a brief revival in the late thirteenth and early fourteenth centuries during the transition from commune to *signoria*. Families such as the Visconti in Milan and the Este in Ferrara used it to give their lordship the appearance of popular acclaim.⁶⁶ But the assembly, just as the commune itself, was by then no more than a 'carcass retained only for administrative convenience'.⁶⁷ Happily, however, many *campanili* from which the assembly bells rang out, and the *piazze* in which assemblies were held, stand little altered today: dumb monuments to vanished civic *eloquentia*.

⁶⁵ Carlrichard Brühl, *Palatium und Civitas: Studien zur Profantopographie spätantiker Civitates vom 3. bis zum 13. Jahrhundert*, 3 vols (Köln, 1975–90); Soldi Rondinini, 'Evoluzione politico-sociale e forme urbanistiche'; Pierre Racine, 'Les palais publics dans les communes italiennes (XII^e–XIII^e siècles)', in *Le paysage urbain au Moyen Âge* (Lyon, 1981), pp. 133–53; Enrico Guidoni, *La città dal Medioevo al Rinascimento* (Rome, 1981), pp. 73–79; Jacques Heers, *La città nel Medioevo nel Occidente: Paesaggi, poteri, conflitti*, ed. by Marco Tangheroni (Milan, 1995) (trans. of *La ville au Moyen Âge* (Paris, 1990)), pp. 456–79; Carlo Tosco, 'Potere civile e architettura: La nascita dei palazzi comunali nell'Italia nord-occidentale', *Bollettino Storico-Bibliografico Subalpino*, 97 (1999), 513–45.

⁶⁶ A trend vividly illustrated in a passage in the chronicle of Riccobaldo di Ferrara, describing how Obizzo d'Este succeeded his father, Azzo, as lord of Ferrara in 1264 (*Chronica parva ferrarienses*, ed. by Ludovico Antonio Muratori, *Rerum italicarum scriptores*, 8 (Milan, 1726), cols 487–88 (trans. in *The Towns of Italy*, pp. 231–32). For the background, see Andrea Castagnetti, *Società e politica a Ferrara dall'età postcarolingia alla signoria estense (sec. X–XIII)* (Bologna, 1985).

⁶⁷ Hyde, *Society and Politics*, p. 143.

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